

EXHIBIT B

Nos. 22-55988, 22-56036

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

AL OTRO LADO, INC., *et al.*,
Pls.-Appellees/Cross-Appellants,

v.

ALEJANDRO MAYORKAS, Secretary of Homeland Security, *et al.*,
Defendants-Appellants/Cross-Appellees,

and

The EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,
Appellant/Cross-Appellee.

APPEAL FROM FINAL JUDGMENT OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA
No. 17-cv-02366-BAS-KSC

**APPELLEES/CROSS-APPELLANTS' SUPPLEMENTAL EXCERPTS OF
RECORD – VOLUME 4 UNDER SEAL**

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 21 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

25
26
27
28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

San Ysidro Port of Entry: Impact to Port Operations

Date	Capacity	Impact to Port Operations	Bates Number
June 16, 2018	63%	No impact	AOL-DEF-00037621
June 17, 2018	63%	No impact	AOL-DEF-00028028
June 18, 2018	66%	No impact	AOL-DEF-00374755
June 19, 2018	75%	No impact	AOL-DEF-00047974
June 20, 2018	77%	No impact	AOL-DEF-00517099
June 21, 2018	80%	No impact	AOL-DEF-00736882
June 22, 2018	76%	No impact	AOL-DEF-00517095
June 23, 2018	76%	No impact	AOL-DEF-00256996
June 24, 2018	75%	No impact	AOL-DEF-00074302
June 25, 2018	78%	No impact	AOL-DEF-00517097
June 26, 2018	Not listed ¹	Not listed	AOL-DEF-00600153
June 27, 2018	75%	No impact	AOL-DEF-00257183
June 28, 2018	75%	No impact	AOL-DEF-00517105
June 29, 2018	76%	No impact	AOL-DEF-00517103
June 30, 2018	81%	No impact	AOL-DEF-00257002
July 1, 2018	81%	No impact	AOL-DEF-00517101
July 2, 2018	69%	No impact	AOL-DEF-00257004
July 3, 2018	76%	No impact	AOL-DEF-00257019
July 4, 2018	78%	No impact	AOL-DEF-00257006
July 5, 2018	75%	No impact	AOL-DEF-00257008

¹ “Not listed” means that none of the reports produced for a given date contain data regarding the San Ysidro

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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July 6, 2018	76%	No impact	AOL-DEF-00257017
July 7, 2018	85%	No impact	AOL-DEF-00257072
July 8, 2018	83%	No impact	AOL-DEF-00257074
July 9, 2018	76%	No impact	AOL-DEF-00257082
July 10, 2018	75%	No impact	AOL-DEF-00257078
July 11, 2018	76%	No impact	AOL-DEF-00257084
July 12, 2018	72%	No impact	AOL-DEF-00257080
July 13, 2018	72%	No impact	AOL-DEF-00257088
July 14, 2018	76%	No impact	AOL-DEF-00257086
July 15, 2018	78%	No impact	AOL-DEF-00257090
July 16, 2018	73%	No impact	AOL-DEF-00768937
July 17, 2018	71%	No impact	AOL-DEF-00257092
July 18, 2018	76%	No impact	AOL-DEF-00257094
July 19, 2018	72%	No impact	AOL-DEF-00257100
July 20, 2018	68%	No impact	AOL-DEF-00257102
July 21, 2018	64%	No impact	AOL-DEF-00257098
July 22, 2018	60%	No impact	AOL-DEF-00257096
July 23, 2018	64%	No impact	AOL-DEF-00257109
July 24, 2018	48%	No impact	AOL-DEF-00257111
July 25, 2018	49%	No impact	AOL-DEF-00090800
July 26, 2018	52%	No impact	AOL-DEF-00257115
July 28, 2018	66%	No impact	AOL-DEF-00075863
July 29, 2018	63%	No impact	AOL-DEF-00257117
July 30, 2018	51%	No impact	AOL-DEF-00257121

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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July 31, 2018	57%	No impact	AOL-DEF-00257119
August 1, 2018	64%	No impact	AOL-DEF-00257123
August 2, 2018	63%	No impact	AOL-DEF-00736185
August 3, 2018	61%	No impact	AOL-DEF-00600173
August 4, 2018	66%	No impact	AOL-DEF-00257126
August 5, 2018	67%	No impact	AOL-DEF-00351662
August 6, 2018	57%	No impact	AOL-DEF-00090606
August 7, 2018	56%	No impact	AOL-DEF-00257128
August 8, 2018	75%	No impact	AOL-DEF-00257130
August 9, 2018	59%	No impact	AOL-DEF-00257145
August 10, 2018	72%	No impact	AOL-DEF-00257134
August 11, 2018	70%	No impact	AOL-DEF-00257136
August 12, 2018	67%	No impact	AOL-DEF-00257139
August 13, 2018	75%	No impact	AOL-DEF-00257141
August 14, 2018	57%	No impact	AOL-DEF-00257143
August 15, 2018	Not listed	Not listed	AOL-DEF-00802568
August 16, 2018	24%	No impact	AOL-DEF-00257149
August 17, 2018	35%	No impact	AOL-DEF-00257147
August 18, 2018	30%	No impact	AOL-DEF-00257151
August 19, 2018	43%	No impact	AOL-DEF-00256904
August 20, 2018	45%	No impact	AOL-DEF-00257155
August 21, 2018	42%	No impact	AOL-DEF-00257157
August 22, 2018	42%	No impact	AOL-DEF-00256894
August 23, 2018	43%	No impact	AOL-DEF-00256900

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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August 24, 2018	Not listed	Not listed	AOL-DEF-00802629
August 25, 2018	44%	No impact	AOL-DEF-00256896
August 26, 2018	45%	No impact	AOL-DEF-00256902
August 27, 2018	56%	No impact	AOL-DEF-00256906
August 28, 2018	41%	No impact	AOL-DEF-00075870
August 29, 2018	49%	No impact	AOL-DEF-00256912
August 30, 2018	Not listed	Not listed	AOL-DEF-00803198
August 31, 2018	Not listed	Not listed	AOL-DEF-00803200
September 1, 2018	80%	No impact	AOL-DEF-00256918
September 2, 2018	69%	No impact	AOL-DEF-00074293
September 3, 2018	86%	No impact	AOL-DEF-00256920
September 4, 2018	71%	No impact	AOL-DEF-00090855
September 5, 2018	70%	No impact	AOL-DEF-00256928
September 6, 2018	52%	No impact	AOL-DEF-00256924
September 7, 2018	79%	No impact	AOL-DEF-00256926
September 8, 2018	75%	No impact	AOL-DEF-00256922
September 9, 2018	70%	No impact	AOL-DEF-00256930
September 10, 2018	82%	No impact	AOL-DEF-00256934
September 11, 2018	74%	No impact	AOL-DEF-00256932
September 12, 2018	78%	No impact	AOL-DEF-00074295
September 13, 2018	78%	No impact	AOL-DEF-00256936
September 14, 2018	85%	No impact	AOL-DEF-00256940
September 15, 2018	87%	No impact	AOL-DEF-00351321
September 16, 2018	78%	No impact	AOL-DEF-00256943

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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September 17, 2018	86%	No impact	AOL-DEF-00256938
September 18, 2018	78%	No impact	AOL-DEF-00256945
September 19, 2018	78%	No impact	AOL-DEF-00257185
September 20, 2018	90%	No impact	AOL-DEF-00257187
September 21, 2018	90%	No impact	AOL-DEF-00074338
September 22, 2018	92%	No impact	AOL-DEF-00074332
September 23, 2018	96%	No impact	AOL-DEF-00257189
September 24, 2018	96%	No impact	AOL-DEF-00257191
September 25, 2018	91%	No impact	AOL-DEF-00257195
September 26, 2018	92%	No impact	AOL-DEF-00257193
September 27, 2018	Not listed	Not listed	AOL-DEF-00567469
September 28, 2018	79%	No impact	AOL-DEF-00257601
September 29, 2018	94%	No impact	AOL-DEF-00257431
September 30, 2018	Not listed	Not listed	AOL-DEF-00807179
October 1, 2018	89%	No impact	AOL-DEF-00257603
October 2, 2018	90%	No impact	AOL-DEF-00257609
October 3, 2018	86%	No impact	AOL-DEF-00257605
October 4, 2018	88%	No impact	AOL-DEF-00257607
October 5, 2018	78%	No impact	AOL-DEF-00257611
October 6, 2018	79%	No impact	AOL-DEF-00257613
October 7, 2018	86%	No impact	AOL-DEF-00257617
October 8, 2018	84%	No impact	AOL-DEF-00257615
October 9, 2018	87%	No impact	AOL-DEF-00257197
October 10, 2018	87%	No impact	AOL-DEF-00257205

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October 11, 2018	87%	No impact	AOL-DEF-00257199
October 12, 2018	84%	No impact	AOL-DEF-00257201
October 13, 2018	87%	No impact	AOL-DEF-00351697
October 14, 2018	86%	No impact	AOL-DEF-00257203
October 15, 2018	82%	No impact	AOL-DEF-00257211
October 16, 2018	81%	No impact	AOL-DEF-00257207
October 17, 2018	83%	No impact	AOL-DEF-00257215
October 18, 2018	81%	No impact	AOL-DEF-00257213
October 19, 2018	90%	No impact	AOL-DEF-00257223
October 20, 2018	79%	No impact	AOL-DEF-00257219
October 21, 2018	80%	No impact	AOL-DEF-00257217
October 22, 2018	82%	No impact	AOL-DEF-00257225
October 23, 2018	74%	No impact	AOL-DEF-00257221
October 24, 2018	87%	No impact	AOL-DEF-00257229
October 25, 2018	76%	No impact	AOL-DEF-00257227
October 26, 2018	76%	No impact	AOL-DEF-00257239
October 27, 2018	92%	No impact	AOL-DEF-00257231
October 28, 2018	95%	No impact	AOL-DEF-00257233
October 29, 2018	90%	No impact	AOL-DEF-00257235
October 30, 2018	79%	No impact	AOL-DEF-00257243
October 31, 2018	84%	No impact	AOL-DEF-00257237
November 1, 2018	74%	No impact	AOL-DEF-00768946
November 2, 2018	77%	No impact	AOL-DEF-00074340
November 3, 2018	81%	No impact	AOL-DEF-00257241

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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November 4, 2018	85%	No impact	AOL-DEF-00090925
November 5, 2018	83%	No impact	AOL-DEF-00257245
November 6, 2018	76%	No impact	AOL-DEF-00090927
November 7, 2018	73%	No impact	AOL-DEF-00257247
November 8, 2018	70%	No impact	AOL-DEF-00257249
November 9, 2018	83%	No impact	AOL-DEF-00257251
November 10, 2018	96%	No impact	AOL-DEF-00093397
November 11, 2018	109%	No impact	AOL-DEF-00309972
November 12, 2018	111%	No impact	AOL-DEF-00257255
November 13, 2018	88%	No impact	AOL-DEF-00257257
November 14, 2018	77%	No impact	AOL-DEF-00074342
November 15, 2018	87%	No impact	AOL-DEF-00257261
November 16, 2018	117%	No impact	AOL-DEF-00257271
November 17, 2018	102%	No impact	AOL-DEF-00257259
November 18, 2018	95%	No impact	AOL-DEF-00257263
November 19, 2018	107%	No impact	AOL-DEF-00257265
November 20, 2018	98%	No impact	AOL-DEF-00517172
November 21, 2018	90%	No impact	AOL-DEF-00257269
November 22, 2018	93%	No impact	AOL-DEF-00257273
November 23, 2018	98%	No impact	AOL-DEF-00768948
November 24, 2018	98%	No impact	AOL-DEF-00257288
November 25, 2018	96%	No impact	AOL-DEF-00768950
November 26, 2018	100%	No impact	AOL-DEF-00768954
November 27, 2018	92%	No impact	AOL-DEF-00768952

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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November 28, 2018	91%	No impact	AOL-DEF-00257290
November 29, 2018	90%	No impact	AOL-DEF-00517176
November 30, 2018	102%	No impact	AOL-DEF-00257294
December 1, 2018	93%	No impact	AOL-DEF-00517174
December 2, 2018	110%	No impact	AOL-DEF-00257292
December 3, 2018	95%	No impact	AOL-DEF-00257304
December 4, 2018	92%	No impact	AOL-DEF-00257296
December 5, 2018	85%	No impact	AOL-DEF-00768956
December 6, 2018	96%	No impact	AOL-DEF-00257298
December 7, 2018	99%	No impact	AOL-DEF-00257300
December 8, 2018	98%	No impact	AOL-DEF-00517180
December 9, 2018	86%	No impact	AOL-DEF-00517178
December 10, 2018	99%	No impact	AOL-DEF-00257302
December 11, 2018	92%	No impact	AOL-DEF-00257308
December 12, 2018	90%	No impact	AOL-DEF-00257306
December 13, 2018	94%	No impact	AOL-DEF-00257323
December 14, 2018	94%	No impact	AOL-DEF-00768961
December 15, 2018	93%	No impact	AOL-DEF-00517182
December 16, 2018	94%	No impact	AOL-DEF-00517184
December 17, 2018	97%	No impact	AOL-DEF-00257325
December 18, 2018	95%	No impact	AOL-DEF-00762246
December 19, 2018	96%	No impact	AOL-DEF-00257327
December 20, 2018	97%	No impact	AOL-DEF-00768965
December 21, 2018	97%	No impact	AOL-DEF-00257345

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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December 22, 2018	92%	No impact	AOL-DEF-00517190
December 23, 2018	90%	No impact	AOL-DEF-00517186
December 24, 2018	100%	No impact	AOL-DEF-00257343
December 25, 2018	100%	No impact	AOL-DEF-00351879
December 26, 2018	92%	No impact	AOL-DEF-00517188
December 27, 2018	71%	No impact	AOL-DEF-00257351
December 28, 2018	79%	No impact	AOL-DEF-00257347
December 29, 2018	92%	No impact	AOL-DEF-00517194
December 30, 2018	101%	No impact	AOL-DEF-00517192
December 31, 2018	105%	No impact	AOL-DEF-00517196
January 1, 2019	100%	No impact	AOL-DEF-00093554
January 2, 2019	90%	No impact	AOL-DEF-00093563
January 3, 2019	85%	No impact	AOL-DEF-00600947
January 4, 2019	95%	No impact	AOL-DEF-00527975
January 5, 2019	83%	No impact	AOL-DEF-00036631
January 6, 2019	89%	No impact	AOL-DEF-00196408
January 7, 2019	101%	No impact	AOL-DEF-00600550
January 8, 2019	92%	No impact	AOL-DEF-00550244
January 9, 2019	97%	No impact	AOL-DEF-00600862
January 10, 2019	Not listed	Not listed	AOL-DEF-00932689
January 11, 2019	Not listed	Not listed	AOL-DEF-00779369
January 12, 2019	93%	No impact	AOL-DEF-00036571
January 13, 2019	98%	No impact	AOL-DEF-00550472
January 14, 2019	101%	No impact	AOL-DEF-00092938

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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January 15, 2019	99%	No impact	AOL-DEF-00092948
January 16, 2019	98%	No impact	AOL-DEF-00092965
January 17, 2019	101%	No impact	AOL-DEF-00092968
January 18, 2019	96%	No impact	AOL-DEF-00092980
January 19, 2019	100%	No impact	AOL-DEF-00092997
January 20, 2019	100%	No impact	AOL-DEF-00093000
January 21, 2019	99%	No impact	AOL-DEF-00093665
January 22, 2019	Not listed	Not listed	AOL-DEF-00916717
January 23, 2019	96%	No impact	AOL-DEF-00093674
January 24, 2019	96%	No impact	AOL-DEF-00093274
January 25, 2019	93%	No impact	AOL-DEF-00083797
January 26, 2019	Not listed	Not listed	AOL-DEF-00916783
January 27, 2019	104%	No impact	AOL-DEF-00093278
January 28, 2019	98%	No impact	AOL-DEF-00093685
January 29, 2019	88%	No impact	AOL-DEF-00523445
January 30, 2019	87%	No impact	AOL-DEF-00523545
January 31, 2019	102%	No impact	AOL-DEF-00093694
February 1, 2019	88%	No impact	AOL-DEF-00093697
February 2, 2019	Not listed	Not listed	AOL-DEF-00916740
February 3, 2019	97%	No impact	AOL-DEF-00093720
February 4, 2019	102%	No impact	AOL-DEF-00093725
February 5, 2019	94%	No impact	AOL-DEF-00083742
February 6, 2019	94%	No impact	AOL-DEF-00083722
February 7, 2019	88%	No impact	AOL-DEF-00093737

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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February 8, 2019	92%	No impact	AOL-DEF-00083619
February 9, 2019	96%	No impact	AOL-DEF-00083685
February 10, 2019	98%	No impact	AOL-DEF-00035032
February 11, 2019	89%	No impact	AOL-DEF-00093753
February 12, 2019	93%	No impact	AOL-DEF-00093761
February 13, 2019	89%	No impact	AOL-DEF-00083623
February 14, 2019	80%	No impact	AOL-DEF-00083680
February 15, 2019	92%	No impact	AOL-DEF-00035030
February 16, 2019	92%	No impact	AOL-DEF-00035027
February 17, 2019	92%	No impact	AOL-DEF-00916970
February 18, 2019	92%	No impact	AOL-DEF-00083579
February 19, 2019	85%	No impact	AOL-DEF-00083554
February 20, 2019	87%	No impact	AOL-DEF-00035021
February 21, 2019	84%	No impact	AOL-DEF-00083710
February 22, 2019	96%	No impact	AOL-DEF-00093797
February 23, 2019	96%	No impact	AOL-DEF-00035018
February 24, 2019	96%	No impact	AOL-DEF-00093803
February 25, 2019	87%	No impact	AOL-DEF-00083457
February 26, 2019	82%	No impact	AOL-DEF-00083727
February 27, 2019	83%	No impact	AOL-DEF-00093812
February 28, 2019	83%	No impact	AOL-DEF-00083516
March 1, 2019	89%	No impact	AOL-DEF-00083445
March 2, 2019	90%	No impact	AOL-DEF-00083454
March 3, 2019	97%	No impact	AOL-DEF-00093866

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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March 4, 2019	83%	No impact	AOL-DEF-00093869
March 5, 2019	76%	No impact	AOL-DEF-00035046
March 6, 2019	79%	No impact	AOL-DEF-00093892
March 7, 2019	97%	No impact	AOL-DEF-00035038
March 8, 2019	95%	No impact	AOL-DEF-00085096
March 9, 2019	94%	No impact	AOL-DEF-00035041
March 10, 2019	84%	No impact	AOL-DEF-00035076
March 11, 2019	84%	No impact	AOL-DEF-00035057
March 12, 2019	79%	No impact	AOL-DEF-00085243
March 13, 2019	88%	No impact	AOL-DEF-00035052
March 14, 2019	95%	No impact	AOL-DEF-00085252
March 15, 2019	93%	No impact	AOL-DEF-00085037
March 16, 2019	93%	No impact	AOL-DEF-00085045
March 17, 2019	95%	No impact	AOL-DEF-00085034
March 18, 2019	97%	No impact	AOL-DEF-00085040
March 19, 2019	96%	No impact	AOL-DEF-00085083
March 20, 2019	96%	No impact	AOL-DEF-00085072
March 21, 2019	93%	No impact	AOL-DEF-00084965
March 22, 2019	88%	No impact	AOL-DEF-00084880
March 23, 2019	85%	No impact	AOL-DEF-00085004
March 24, 2019	85%	No impact	AOL-DEF-00085014
March 25, 2019	70%	No impact	AOL-DEF-00085031
March 26, 2019	67%	No impact	AOL-DEF-00084860
March 27, 2019	97%	No impact	AOL-DEF-00084869

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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March 28, 2019	92%	No impact	AOL-DEF-00035061
March 30, 2019	83%	No impact	AOL-DEF-00084723
March 31, 2019	95%	No impact	AOL-DEF-00084689
April 1, 2019	99%	No impact	AOL-DEF-00084662
April 2, 2019	92%	No impact	AOL-DEF-00084601
April 3, 2019	85%	No impact	AOL-DEF-00084794
April 4, 2019	83%	No impact	AOL-DEF-00084720
April 5, 2019	77%	No impact	AOL-DEF-00084672
April 6, 2019	92%	No impact	AOL-DEF-00084541
April 7, 2019	Not listed	Not listed	AOL-DEF-00588514
April 8, 2019	101%	No impact	AOL-DEF-00084598
April 9, 2019	99%	No impact	AOL-DEF-00084488
April 10, 2019	93%	No impact	AOL-DEF-00084536
April 11, 2019	96%	No impact	AOL-DEF-00084527
April 12, 2019	84%	No impact	AOL-DEF-00365853
April 13, 2019	87%	No impact	AOL-DEF-00365628
April 14, 2019	86%	No impact	AOL-DEF-00084544
April 15, 2019	95%	No impact	AOL-DEF-00084547
April 16, 2019	94%	No impact	AOL-DEF-00365856
April 17, 2019	93%	No impact	AOL-DEF-00365631
April 18, 2019	92%	No impact	AOL-DEF-00365608
April 19, 2019	97%	No impact	AOL-DEF-00365332
April 20, 2019	97%	No impact	AOL-DEF-00084485
April 21, 2019	90%	No impact	AOL-DEF-00365255

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

April 22, 2019	86%	No impact	AOL-DEF-00365619
April 23, 2019	83%	No impact	AOL-DEF-00365370
April 24, 2019	90%	No impact	AOL-DEF-00365778
April 25, 2019	Not listed	Not listed	N/A ²
April 26, 2019	86%	No impact	AOL-DEF-00365611
April 27, 2019	95%	No impact	AOL-DEF-00365258
April 28, 2019	95%	No impact	AOL-DEF-00365622
April 29, 2019	83%	No impact	AOL-DEF-00365038
April 30, 2019	92%	No impact	AOL-DEF-00364993
May 1, 2019	92%	No impact	AOL-DEF-00364613
May 2, 2019	Not listed	Not listed	AOL-DEF-00082281
May 3, 2019	91%	No impact	AOL-DEF-00374848
May 4, 2019	Not listed	Not listed	N/A
May 5, 2019	86%	No impact	AOL-DEF-00364577
May 6, 2019	97%	No impact	AOL-DEF-00364851
May 7, 2019	100%	No impact	AOL-DEF-00523768
May 8, 2019	83%	No impact	AOL-DEF-00364318
May 9, 2019	89%	No impact	AOL-DEF-00523762
May 10, 2019	Not listed	Not listed	AOL-DEF-00082253
May 11, 2019	90%	No impact	AOL-DEF-00364330
May 12, 2019	87%	No impact	AOL-DEF-00364205
May 13, 2019	84%	No impact	AOL-DEF-00364580
May 14, 2019	84%	No impact	AOL-DEF-00364574

² “N/A” means that no report was produced for this date.

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

May 15, 2019	84%	No impact	AOL-DEF-00364487
May 16, 2019	92%	No impact	AOL-DEF-00364490
May 17, 2019	92%	No impact	AOL-DEF-00523765
May 18, 2019	84%	No impact	AOL-DEF-00364528
May 19, 2019	85%	No impact	AOL-DEF-00523759
May 20, 2019	Not listed	Not listed	N/A
May 21, 2019	85%	No impact	AOL-DEF-00084200
May 22, 2019	95%	No impact	AOL-DEF-00084242
May 23, 2019	97%	No impact	AOL-DEF-00084259
May 24, 2019	88%	No impact	AOL-DEF-00364315
May 25, 2019	95%	No impact	AOL-DEF-00084281
May 26, 2019	98%	No impact	AOL-DEF-00084290
May 27, 2019	93%	No impact	AOL-DEF-00084268
May 28, 2019	93%	No impact	AOL-DEF-00084250
May 29, 2019	Not listed	Not listed	N/A
May 30, 2019	85%	No impact	AOL-DEF-00084256
May 31, 2019	Not listed	Not listed	N/A
June 1, 2019	88%	No impact	AOL-DEF-00084143
June 2, 2019	93%	No impact	AOL-DEF-00084089
June 3, 2019	93%	No impact	AOL-DEF-00084098
June 4, 2019	98%	No impact	AOL-DEF-00084153
June 5, 2019	Not listed	Not listed	N/A
June 6, 2019	89%	No impact	AOL-DEF-00084040
June 7, 2019	95%	No impact	AOL-DEF-00084179

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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June 8, 2019	94%	No impact	AOL-DEF-00084132
June 9, 2019	96%	No impact	AOL-DEF-00084025
June 10, 2019	96%	No impact	AOL-DEF-00084176
June 11, 2019	Not listed	Not listed	N/A
June 12, 2019	92%	No impact	AOL-DEF-00084117
June 13, 2019	87%	No impact	AOL-DEF-00084005
June 14, 2019	95%	No impact	AOL-DEF-00084015
June 15, 2019	98%	No impact	AOL-DEF-00083995
June 16, 2019	102%	No impact	AOL-DEF-00084058
June 17, 2019	96%	No impact	AOL-DEF-00083977
June 18, 2019	91%	No impact	AOL-DEF-00084008
June 19, 2019	104%	No impact	AOL-DEF-00362926
June 20, 2019	96%	No impact	AOL-DEF-00084002
June 21, 2019	85%	No impact	AOL-DEF-00083936
June 22, 2019	104%	No impact	AOL-DEF-00083917
June 23, 2019	102%	No impact	AOL-DEF-00083939
June 24, 2019	104%	No impact	AOL-DEF-00523714
June 25, 2019	102%	No impact	AOL-DEF-00083928
June 26, 2019	98%	No impact	AOL-DEF-00523687
June 27, 2019	101%	No impact	AOL-DEF-00523680
June 28, 2019	98%	No impact	AOL-DEF-00523468
June 29, 2019	100%	No impact	AOL-DEF-00523462
June 30, 2019	103%	No impact	AOL-DEF-00035024
July 1, 2019	98%	No impact	AOL-DEF-00083448

Al Otro Lado, Inc., et al. v. Wolf, et al., 3:2017-cv-02366 (S.D. Cal.)**Fed. R. Evid. 1006 Summary Exhibit**

July 2, 2019	98%	No impact	AOL-DEF-00523370
July 3, 2019	96%	No impact	AOL-DEF-00367412
July 4, 2019	98%	No impact	AOL-DEF-00035055
July 5, 2019	88%	No impact	AOL-DEF-00084595
July 6, 2019	97%	No impact	AOL-DEF-00085153
July 7, 2019	83%	No impact	AOL-DEF-00365210
July 8, 2019	80%	No impact	AOL-DEF-00364694
July 9, 2019	78%	No impact	AOL-DEF-00084336
July 10, 2019	82%	No impact	AOL-DEF-00084191
July 11, 2019	86%	No impact	AOL-DEF-00084052
July 12, 2019	84%	No impact	AOL-DEF-00083956
July 13, 2019	73%	No impact	AOL-DEF-00523457
July 14, 2019	74%	No impact	AOL-DEF-00083442

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24
25
26
27

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 22 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

Al Otro Lado, Inc., et al. v. Wolf, et al., 3:2017-cv-02366 (S.D. Cal.)
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Calexico Port of Entry: Impact to Port Operations

Date	Capacity	Impact to Port Operations	Bates Number
June 16, 2018	21%	No impact	AOL-DEF-00037621
June 17, 2018	80%	No impact	AOL-DEF-00028028
June 18, 2018	74%	No impact	AOL-DEF-00374755
June 19, 2018	74%	No impact	AOL-DEF-00047974
June 20, 2018	55%	No impact	AOL-DEF-00517099
June 21, 2018	75%	No impact	AOL-DEF-00736882
June 22, 2018	75%	No impact	AOL-DEF-00517095
June 23, 2018	60%	No impact	AOL-DEF-00256996
June 24, 2018	64%	No impact	AOL-DEF-00074302
June 25, 2018	81%	No impact	AOL-DEF-00517097
June 26, 2018	Not listed ¹	Not listed	AOL-DEF-00600153
June 27, 2018	51%	No impact	AOL-DEF-00257183
June 28, 2018	54%	No impact	AOL-DEF-00517105
June 29, 2018	75%	No impact	AOL-DEF-00517103
June 30, 2018	87%	No impact	AOL-DEF-00257002
July 1, 2018	85%	No impact	AOL-DEF-00517101
July 2, 2018	76%	No impact	AOL-DEF-00257004
July 3, 2018	51%	No impact	AOL-DEF-00257019
July 4, 2018	39%	No impact	AOL-DEF-00257006
July 5, 2018	57%	No impact	AOL-DEF-00257008

¹ “Not listed” means that none of the reports produced for a given date contain data regarding Calexico.

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

July 6, 2018	52%	No impact	AOL-DEF-00257017
July 7, 2018	54%	No impact	AOL-DEF-00257072
July 8, 2018	Not listed	No impact	AOL-DEF-00257074
July 9, 2018	56%	No impact	AOL-DEF-00257082
July 10, 2018	37%	No impact	AOL-DEF-00257078
July 11, 2018	43%	No impact	AOL-DEF-00257084
July 12, 2018	34%	No impact	AOL-DEF-00257080
July 13, 2018	33%	No impact	AOL-DEF-00257088
July 14, 2018	67%	No impact	AOL-DEF-00257086
July 15, 2018	36%	No impact	AOL-DEF-00257090
July 16, 2018	57%	No impact	AOL-DEF-00768937
July 17, 2018	51%	No impact	AOL-DEF-00257092
July 18, 2018	39%	No impact	AOL-DEF-00257094
July 19, 2018	52%	No impact	AOL-DEF-00257100
July 20, 2018	72%	No impact	AOL-DEF-00257102
July 21, 2018	60%	No impact	AOL-DEF-00257098
July 22, 2018	52%	No impact	AOL-DEF-00257096
July 23, 2018	46%	No impact	AOL-DEF-00257109
July 24, 2018	43%	No impact	AOL-DEF-00257111
July 25, 2018	59%	No impact	AOL-DEF-00090800
July 26, 2018	63%	No impact	AOL-DEF-00257115
July 28, 2018	57%	No impact	AOL-DEF-00075863
July 29, 2018	58%	No impact	AOL-DEF-00257117
July 30, 2018	55%	No impact	AOL-DEF-00257121

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

July 31, 2018	55%	No impact	AOL-DEF-00257119
August 1, 2018	66%	No impact	AOL-DEF-00257123
August 2, 2018	49%	No impact	AOL-DEF-00736185
August 3, 2018	53%	No impact	AOL-DEF-00600173
August 4, 2018	64%	No impact	AOL-DEF-00257126
August 5, 2018	52%	No impact	AOL-DEF-00351662
August 6, 2018	44%	No impact	AOL-DEF-00090606
August 7, 2018	40%	No impact	AOL-DEF-00257128
August 8, 2018	44%	No impact	AOL-DEF-00257130
August 9, 2018	23%	No impact	AOL-DEF-00257145
August 10, 2018	52%	No impact	AOL-DEF-00257134
August 11, 2018	39%	No impact	AOL-DEF-00257136
August 12, 2018	45%	No impact	AOL-DEF-00257139
August 13, 2018	45%	No impact	AOL-DEF-00257141
August 14, 2018	52%	No impact	AOL-DEF-00257143
August 15, 2018	Not listed	Not listed	AOL-DEF-00802568
August 16, 2018	42%	No impact	AOL-DEF-00257149
August 17, 2018	67%	No impact	AOL-DEF-00257147
August 18, 2018	58%	No impact	AOL-DEF-00257151
August 19, 2018	66%	No impact	AOL-DEF-00256904
August 20, 2018	49%	No impact	AOL-DEF-00257155
August 21, 2018	58%	No impact	AOL-DEF-00257157
August 22, 2018	73%	No impact	AOL-DEF-00256894
August 23, 2018	72%	No impact	AOL-DEF-00256900

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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August 24, 2018	Not listed	Not listed	AOL-DEF-00802629
August 25, 2018	54%	No impact	AOL-DEF-00256896
August 26, 2018	59%	No impact	AOL-DEF-00256902
August 27, 2018	75%	No impact	AOL-DEF-00256906
August 28, 2018	79%	No impact	AOL-DEF-00075870
August 29, 2018	78%	No impact	AOL-DEF-00256912
August 30, 2018	Not listed	Not listed	AOL-DEF-00803198
August 31, 2018	Not listed	Not listed	AOL-DEF-00803200
September 1, 2018	60%	No impact	AOL-DEF-00256918
September 2, 2018	75%	No impact	AOL-DEF-00074293
September 3, 2018	75%	No impact	AOL-DEF-00256920
September 4, 2018	70%	No impact	AOL-DEF-00090855
September 5, 2018	54%	No impact	AOL-DEF-00256928
September 6, 2018	73%	No impact	AOL-DEF-00256924
September 7, 2018	76%	No impact	AOL-DEF-00256926
September 8, 2018	75%	No impact	AOL-DEF-00256922
September 9, 2018	66%	No impact	AOL-DEF-00256930
September 10, 2018	66%	No impact	AOL-DEF-00256934
September 11, 2018	60%	No impact	AOL-DEF-00256932
September 12, 2018	63%	No impact	AOL-DEF-00074295
September 13, 2018	50%	No impact	AOL-DEF-00256936
September 14, 2018	75%	No impact	AOL-DEF-00256940
September 15, 2018	71%	No impact	AOL-DEF-00351321
September 16, 2018	77%	No impact	AOL-DEF-00256943

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

September 17, 2018	72%	No impact	AOL-DEF-00256938
September 18, 2018	49%	No impact	AOL-DEF-00256945
September 19, 2018	68%	No impact	AOL-DEF-00257185
September 20, 2018	70%	No impact	AOL-DEF-00257187
September 21, 2018	61%	No impact	AOL-DEF-00074338
September 22, 2018	78%	No impact	AOL-DEF-00074332
September 23, 2018	69%	No impact	AOL-DEF-00257189
September 24, 2018	57%	No impact	AOL-DEF-00257191
September 25, 2018	78%	No impact	AOL-DEF-00257195
September 26, 2018	48%	No impact	AOL-DEF-00257193
September 27, 2018	Not listed	Not listed	AOL-DEF-00567469
September 28, 2018	61%	No impact	AOL-DEF-00257601
September 29, 2018	79%	No impact	AOL-DEF-00257431
September 30, 2018	Not listed	Not listed	AOL-DEF-00807179
October 1, 2018	63%	No impact	AOL-DEF-00257603
October 2, 2018	64%	No impact	AOL-DEF-00257609
October 3, 2018	73%	No impact	AOL-DEF-00257605
October 4, 2018	70%	No impact	AOL-DEF-00257607
October 5, 2018	76%	No impact	AOL-DEF-00257611
October 6, 2018	81%	No impact	AOL-DEF-00257613
October 7, 2018	68%	No impact	AOL-DEF-00257617
October 8, 2018	69%	No impact	AOL-DEF-00257615
October 9, 2018	66%	No impact	AOL-DEF-00257197
October 10, 2018	68%	No impact	AOL-DEF-00257205

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

October 11, 2018	75%	No impact	AOL-DEF-00257199
October 12, 2018	73%	No impact	AOL-DEF-00257201
October 13, 2018	64%	No impact	AOL-DEF-00351697
October 14, 2018	62%	No impact	AOL-DEF-00257203
October 15, 2018	79%	No impact	AOL-DEF-00257211
October 16, 2018	70%	No impact	AOL-DEF-00257207
October 17, 2018	44%	No impact	AOL-DEF-00257215
October 18, 2018	65%	No impact	AOL-DEF-00257213
October 19, 2018	69%	No impact	AOL-DEF-00257223
October 20, 2018	69%	No impact	AOL-DEF-00257219
October 21, 2018	48%	No impact	AOL-DEF-00257217
October 22, 2018	67%	No impact	AOL-DEF-00257225
October 23, 2018	64%	No impact	AOL-DEF-00257221
October 24, 2018	72%	No impact	AOL-DEF-00257229
October 25, 2018	67%	No impact	AOL-DEF-00257227
October 26, 2018	64%	No impact	AOL-DEF-00257239
October 27, 2018	66%	No impact	AOL-DEF-00257231
October 28, 2018	48%	No impact	AOL-DEF-00257233
October 29, 2018	57%	No impact	AOL-DEF-00257235
October 30, 2018	49%	No impact	AOL-DEF-00257243
October 31, 2018	63%	No impact	AOL-DEF-00257237
November 1, 2018	46%	No impact	AOL-DEF-00768946
November 2, 2018	66%	No impact	AOL-DEF-00074340
November 3, 2018	60%	No impact	AOL-DEF-00257241

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

November 4, 2018	55%	No impact	AOL-DEF-00090925
November 5, 2018	60%	No impact	AOL-DEF-00257245
November 6, 2018	49%	No impact	AOL-DEF-00090927
November 7, 2018	68%	No impact	AOL-DEF-00257247
November 8, 2018	64%	No impact	AOL-DEF-00257249
November 9, 2018	74%	No impact	AOL-DEF-00257251
November 10, 2018	69%	No impact	AOL-DEF-00093397
November 11, 2018	40%	No impact	AOL-DEF-00309972
November 12, 2018	104%	No impact	AOL-DEF-00257255
November 13, 2018	89%	No impact	AOL-DEF-00257257
November 14, 2018	79%	No impact	AOL-DEF-00074342
November 15, 2018	98%	No impact	AOL-DEF-00257261
November 16, 2018	71%	No impact	AOL-DEF-00257271
November 17, 2018	73%	No impact	AOL-DEF-00257259
November 18, 2018	64%	No impact	AOL-DEF-00257263
November 19, 2018	59%	No impact	AOL-DEF-00257265
November 20, 2018	42%	No impact	AOL-DEF-00517172
November 21, 2018	61%	No impact	AOL-DEF-00257269
November 22, 2018	64%	No impact	AOL-DEF-00257273
November 23, 2018	59%	No impact	AOL-DEF-00768948
November 24, 2018	55%	No impact	AOL-DEF-00257288
November 25, 2018	67%	No impact	AOL-DEF-00768950
November 26, 2018	70%	No impact	AOL-DEF-00768954
November 27, 2018	50%	No impact	AOL-DEF-00768952

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

November 28, 2018	71%	No impact	AOL-DEF-00257290
November 29, 2018	50%	No impact	AOL-DEF-00517176
November 30, 2018	34%	No impact	AOL-DEF-00257294
December 1, 2018	48%	No impact	AOL-DEF-00517174
December 2, 2018	61%	No impact	AOL-DEF-00257292
December 3, 2018	Not listed	No impact	AOL-DEF-00257304
December 4, 2018	62%	No impact	AOL-DEF-00257296
December 5, 2018	53%	No impact	AOL-DEF-00768956
December 6, 2018	76%	No impact	AOL-DEF-00257298
December 7, 2018	61%	No impact	AOL-DEF-00257300
December 8, 2018	68%	No impact	AOL-DEF-00517180
December 9, 2018	58%	No impact	AOL-DEF-00517178
December 10, 2018	70%	No impact	AOL-DEF-00257302
December 11, 2018	68%	No impact	AOL-DEF-00257308
December 12, 2018	55%	No impact	AOL-DEF-00257306
December 13, 2018	68%	No impact	AOL-DEF-00257323
December 14, 2018	64%	No impact	AOL-DEF-00768961
December 15, 2018	66%	No impact	AOL-DEF-00517182
December 16, 2018	66%	No impact	AOL-DEF-00517184
December 17, 2018	68%	No impact	AOL-DEF-00257325
December 18, 2018	62%	No impact	AOL-DEF-00762246
December 19, 2018	67%	No impact	AOL-DEF-00257327
December 20, 2018	73%	No impact	AOL-DEF-00768965
December 21, 2018	62%	No impact	AOL-DEF-00257345

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

December 22, 2018	78%	No impact	AOL-DEF-00517190
December 23, 2018	70%	No impact	AOL-DEF-00517186
December 24, 2018	72%	No impact	AOL-DEF-00257343
December 25, 2018	72%	No impact	AOL-DEF-00351879
December 26, 2018	54%	No impact	AOL-DEF-00517188
December 27, 2018	34%	No impact	AOL-DEF-00257351
December 28, 2018	32%	No impact	AOL-DEF-00257347
December 29, 2018	52%	No impact	AOL-DEF-00517194
December 30, 2018	51%	No impact	AOL-DEF-00517192
December 31, 2018	60%	No impact	AOL-DEF-00517196
January 1, 2019	60%	No impact	AOL-DEF-00093554
January 2, 2019	60%	No impact	AOL-DEF-00093563
January 3, 2019	60%	No impact	AOL-DEF-00600947
January 4, 2019	59%	No impact	AOL-DEF-00527975
January 5, 2019	43%	No impact	AOL-DEF-00036631
January 6, 2019	54%	No impact	AOL-DEF-00196408
January 7, 2019	52%	No impact	AOL-DEF-00600550
January 8, 2019	45%	No impact	AOL-DEF-00550244
January 9, 2019	42%	No impact	AOL-DEF-00600862
January 10, 2019	Not listed	Not listed	AOL-DEF-00932689
January 11, 2019	Not listed	Not listed	AOL-DEF-00779369
January 12, 2019	58%	No impact	AOL-DEF-00036571
January 13, 2019	58%	No impact	AOL-DEF-00550472
January 14, 2019	49%	No impact	AOL-DEF-00092938

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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January 15, 2019	51%	No impact	AOL-DEF-00092948
January 16, 2019	55%	No impact	AOL-DEF-00092965
January 17, 2019	52%	No impact	AOL-DEF-00092968
January 18, 2019	42%	No impact	AOL-DEF-00092980
January 19, 2019	60%	No impact	AOL-DEF-00092997
January 20, 2019	70%	No impact	AOL-DEF-00093000
January 21, 2019	64%	No impact	AOL-DEF-00093665
January 22, 2019	Not listed	Not listed	AOL-DEF-00916717
January 23, 2019	76%	No impact	AOL-DEF-00093674
January 24, 2019	37%	No impact	AOL-DEF-00093274
January 25, 2019	51%	No impact	AOL-DEF-00083797
January 26, 2019	Not listed	Not listed	AOL-DEF-00916783
January 27, 2019	51%	No impact	AOL-DEF-00093278
January 28, 2019	46%	No impact	AOL-DEF-00093685
January 29, 2019	40%	No impact	AOL-DEF-00523445
January 30, 2019	61%	No impact	AOL-DEF-00523545
January 31, 2019	48%	No impact	AOL-DEF-00093694
February 1, 2019	61%	No impact	AOL-DEF-00093697
February 2, 2019	Not listed	Not listed	AOL-DEF-00916740
February 3, 2019	45%	No impact	AOL-DEF-00093720
February 4, 2019	60%	No impact	AOL-DEF-00093725
February 5, 2019	64%	No impact	AOL-DEF-00083742
February 6, 2019	75%	No impact	AOL-DEF-00083722
February 7, 2019	48%	No impact	AOL-DEF-00093737

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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February 8, 2019	39%	No impact	AOL-DEF-00083619
February 9, 2019	43%	No impact	AOL-DEF-00083685
February 10, 2019	52%	No impact	AOL-DEF-00035032
February 11, 2019	60%	No impact	AOL-DEF-00093753
February 12, 2019	52%	No impact	AOL-DEF-00093761
February 13, 2019	57%	No impact	AOL-DEF-00083623
February 14, 2019	37%	No impact	AOL-DEF-00083680
February 15, 2019	57%	No impact	AOL-DEF-00035030
February 16, 2019	52%	No impact	AOL-DEF-00035027
February 17, 2019	Not listed	Not listed	AOL-DEF-00916970
February 18, 2019	66%	No impact	AOL-DEF-00083579
February 19, 2019	52%	No impact	AOL-DEF-00083554
February 20, 2019	24%	No impact	AOL-DEF-00035021
February 21, 2019	42%	No impact	AOL-DEF-00083710
February 22, 2019	69%	No impact	AOL-DEF-00093797
February 23, 2019	73%	No impact	AOL-DEF-00035018
February 24, 2019	49%	No impact	AOL-DEF-00093803
February 25, 2019	61%	No impact	AOL-DEF-00083457
February 26, 2019	51%	No impact	AOL-DEF-00083727
February 27, 2019	60%	No impact	AOL-DEF-00093812
February 28, 2019	49%	No impact	AOL-DEF-00083516
March 1, 2019	64%	No impact	AOL-DEF-00083445
March 2, 2019	155%	No impact	AOL-DEF-00083454
March 3, 2019	163%	No impact	AOL-DEF-00093866

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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March 4, 2019	148%	No impact	AOL-DEF-00093869
March 5, 2019	125%	No impact	AOL-DEF-00035046
March 6, 2019	58%	No impact	AOL-DEF-00093892
March 7, 2019	43%	No impact	AOL-DEF-00035038
March 8, 2019	57%	No impact	AOL-DEF-00085096
March 9, 2019	52%	No impact	AOL-DEF-00035041
March 10, 2019	Not listed	Not listed	AOL-DEF-00035076
March 11, 2019	52%	No impact	AOL-DEF-00035057
March 12, 2019	67%	No impact	AOL-DEF-00085243
March 13, 2019	76%	No impact	AOL-DEF-00035052
March 14, 2019	42%	No impact	AOL-DEF-00085252
March 15, 2019	63%	No impact	AOL-DEF-00085037
March 16, 2019	55%	No impact	AOL-DEF-00085045
March 17, 2019	48%	No impact	AOL-DEF-00085034
March 18, 2019	45%	No impact	AOL-DEF-00085040
March 19, 2019	54%	No impact	AOL-DEF-00085083
March 20, 2019	64%	No impact	AOL-DEF-00085072
March 21, 2019	42%	No impact	AOL-DEF-00084965
March 22, 2019	52%	No impact	AOL-DEF-00084880
March 23, 2019	55%	No impact	AOL-DEF-00085004
March 24, 2019	61%	No impact	AOL-DEF-00085014
March 25, 2019	62%	No impact	AOL-DEF-00085031
March 26, 2019	57%	No impact	AOL-DEF-00084860
March 27, 2019	68%	No impact	AOL-DEF-00084869

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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March 28, 2019	44%	No impact	AOL-DEF-00035061
March 29, 2019	Not listed	Not listed	N/A
March 30, 2019	64%	No impact	AOL-DEF-00084723
March 31, 2019	55%	No impact	AOL-DEF-00084689
April 1, 2019	45%	No impact	AOL-DEF-00084662
April 2, 2019	46%	No impact	AOL-DEF-00084601
April 3, 2019	48%	No impact	AOL-DEF-00084794
April 4, 2019	43%	No impact	AOL-DEF-00084720
April 5, 2019	58%	No impact	AOL-DEF-00084672
April 6, 2019	55%	No impact	AOL-DEF-00084541
April 7, 2019	Not listed	Not listed	AOL-DEF-00588514
April 8, 2019	44%	No impact	AOL-DEF-00084598
April 9, 2019	51%	No impact	AOL-DEF-00084488
April 10, 2019	41%	No impact	AOL-DEF-00084536
April 11, 2019	67%	No impact	AOL-DEF-00084527
April 12, 2019	52%	No impact	AOL-DEF-00365853
April 13, 2019	38%	No impact	AOL-DEF-00365628
April 14, 2019	52%	No impact	AOL-DEF-00084544
April 15, 2019	58%	No impact	AOL-DEF-00084547
April 16, 2019	50%	No impact	AOL-DEF-00365856
April 17, 2019	57%	No impact	AOL-DEF-00365631
April 18, 2019	45%	No impact	AOL-DEF-00365608
April 19, 2019	0%	No impact	AOL-DEF-00365332
April 20, 2019	55%	No impact	AOL-DEF-00084485

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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April 21, 2019	51%	No impact	AOL-DEF-00365255
April 22, 2019	64%	No impact	AOL-DEF-00365619
April 23, 2019	50%	No impact	AOL-DEF-00365370
April 24, 2019	58%	No impact	AOL-DEF-00365778
April 25, 2019	Not listed	Not listed	N/A ²
April 26, 2019	51%	No impact	AOL-DEF-00365611
April 27, 2019	68%	No impact	AOL-DEF-00365258
April 28, 2019	59%	No impact	AOL-DEF-00365622
April 29, 2019	59%	No impact	AOL-DEF-00365038
April 30, 2019	41%	No impact	AOL-DEF-00364993
May 1, 2019	46%	No impact	AOL-DEF-00364613
May 2, 2019	Not listed	Not listed	AOL-DEF-00082281
May 3, 2019	Not listed	Not listed	AOL-DEF-00374848
May 4, 2019	Not listed	Not listed	N/A
May 5, 2019	44%	No impact	AOL-DEF-00364577
May 6, 2019	62%	No impact	AOL-DEF-00364851
May 7, 2019	65%	No impact	AOL-DEF-00523768
May 8, 2019	62%	No impact	AOL-DEF-00364318
May 9, 2019	67%	No impact	AOL-DEF-00523762
May 10, 2019	Not listed	Not listed	AOL-DEF-00082253
May 11, 2019	50%	No impact	AOL-DEF-00364330
May 12, 2019	55%	No impact	AOL-DEF-00364205
May 13, 2019	52%	No impact	AOL-DEF-00364580

² “N/A” means that no report was produced for this date.

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

May 14, 2019	61%	No impact	AOL-DEF-00364574
May 15, 2019	47%	No impact	AOL-DEF-00364487
May 16, 2019	44%	No impact	AOL-DEF-00364490
May 17, 2019	59%	No impact	AOL-DEF-00523765
May 18, 2019	47%	No impact	AOL-DEF-00364528
May 19, 2019	44%	No impact	AOL-DEF-00523759
May 20, 2019	Not listed	Not listed	N/A
May 21, 2019	58%	No impact	AOL-DEF-00084200
May 22, 2019	44%	No impact	AOL-DEF-00084242
May 23, 2019	58%	No impact	AOL-DEF-00084259
May 24, 2019	65%	No impact	AOL-DEF-00364315
May 25, 2019	60%	No impact	AOL-DEF-00084281
May 26, 2019	81%	No impact	AOL-DEF-00084290
May 27, 2019	60%	No impact	AOL-DEF-00084268
May 28, 2019	46%	No impact	AOL-DEF-00084250
May 29, 2019	Not listed	Not listed	N/A
May 30, 2019	52%	No impact	AOL-DEF-00084256
May 31, 2019	Not listed	Not listed	N/A
June 1, 2019	60%	No impact	AOL-DEF-00084143
June 2, 2019	66%	No impact	AOL-DEF-00084089
June 3, 2019	61%	No impact	AOL-DEF-00084098
June 4, 2019	30%	No impact	AOL-DEF-00084153
June 5, 2019	Not listed	Not listed	N/A
June 6, 2019	Not listed	Not listed	AOL-DEF-00084040

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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June 7, 2019	46%	No impact	AOL-DEF-00084179
June 8, 2019	55%	No impact	AOL-DEF-00084132
June 9, 2019	55%	No impact	AOL-DEF-00084025
June 10, 2019	52%	No impact	AOL-DEF-00084176
June 11, 2019	Not listed	Not listed	N/A
June 12, 2019	47%	No impact	AOL-DEF-00084117
June 13, 2019	58%	No impact	AOL-DEF-00084005
June 14, 2019	55%	No impact	AOL-DEF-00084015
June 15, 2019	55%	No impact	AOL-DEF-00083995
June 16, 2019	42%	No impact	AOL-DEF-00084058
June 17, 2019	37%	No impact	AOL-DEF-00083977
June 18, 2019	46%	No impact	AOL-DEF-00084008
June 19, 2019	27%	No impact	AOL-DEF-00362926
June 20, 2019	49%	No impact	AOL-DEF-00084002
June 21, 2019	69%	No impact	AOL-DEF-00083936
June 22, 2019	63%	No impact	AOL-DEF-00083917
June 23, 2019	49%	No impact	AOL-DEF-00083939
June 24, 2019	57%	No impact	AOL-DEF-00523714
June 25, 2019	73%	No impact	AOL-DEF-00083928
June 26, 2019	54%	No impact	AOL-DEF-00523687
June 27, 2019	65%	No impact	AOL-DEF-00523680
June 28, 2019	67%	No impact	AOL-DEF-00523468
June 29, 2019	70%	No impact	AOL-DEF-00523462
June 30, 2019	72%	No impact	AOL-DEF-00035024

Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)*Fed. R. Evid. 1006 Summary Exhibit**

July 1, 2019	52%	No impact	AOL-DEF-00083448
July 2, 2019	55%	No impact	AOL-DEF-00523370
July 3, 2019	63%	No impact	AOL-DEF-00367412
July 4, 2019	46%	No impact	AOL-DEF-00035055
July 5, 2019	44%	No impact	AOL-DEF-00084595
July 6, 2019	49%	No impact	AOL-DEF-00085153
July 7, 2019	55%	No impact	AOL-DEF-00365210
July 8, 2019	45%	No impact	AOL-DEF-00364694
July 9, 2019	46%	No impact	AOL-DEF-00084336
July 10, 2019	50%	No impact	AOL-DEF-00084191
July 11, 2019	41%	No impact	AOL-DEF-00084052
July 12, 2019	37%	No impact	AOL-DEF-00083956
July 13, 2019	39%	No impact	AOL-DEF-00523457
July 14, 2019	49%	No impact	AOL-DEF-00083442

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 23 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

25
26
27
28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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Otay Mesa Port of Entry: Impact to Port Operations

Date	Capacity	Impact to Port Operations	Bates Number
June 16, 2018	0%	No impact	AOL-DEF-00037621
June 17, 2018	0%	No impact	AOL-DEF-00028028
June 18, 2018	0%	No impact	AOL-DEF-00374755
June 19, 2018	5%	No impact	AOL-DEF-00047974
June 20, 2018	0%	No impact	AOL-DEF-00517099
June 21, 2018	0%	No impact	AOL-DEF-00736882
June 22, 2018	0%	No impact	AOL-DEF-00517095
June 23, 2018	0%	No impact	AOL-DEF-00256996
June 24, 2018	0%	No impact	AOL-DEF-00074302
June 25, 2018	0%	No impact	AOL-DEF-00517097
June 26, 2018	0%	Not listed	AOL-DEF-00600153
June 27, 2018	0%	No impact	AOL-DEF-00257183
June 28, 2018	0%	No impact	AOL-DEF-00517105
June 29, 2018	0%	No impact	AOL-DEF-00517103
June 30, 2018	0%	No impact	AOL-DEF-00257002
July 1, 2018	0%	No impact	AOL-DEF-00517101
July 2, 2018	0%	No impact	AOL-DEF-00257004
July 3, 2018	0%	No impact	AOL-DEF-00257019
July 4, 2018	0%	No impact	AOL-DEF-00257006
July 5, 2018	0%	No impact	AOL-DEF-00257008
July 6, 2018	0%	No impact	AOL-DEF-00257017

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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July 7, 2018	0%	No impact	AOL-DEF-00257072
July 8, 2018	0%	No impact	AOL-DEF-00257074
July 9, 2018	0%	No impact	AOL-DEF-00257082
July 10, 2018	0%	No impact	AOL-DEF-00257078
July 11, 2018	0%	No impact	AOL-DEF-00257084
July 12, 2018	0%	No impact	AOL-DEF-00257080
July 13, 2018	0%	No impact	AOL-DEF-00257088
July 14, 2018	0%	No impact	AOL-DEF-00257086
July 15, 2018	0%	No impact	AOL-DEF-00257090
July 16, 2018	0%	No impact	AOL-DEF-00768937
July 17, 2018	0%	No impact	AOL-DEF-00257092
July 18, 2018	0%	No impact	AOL-DEF-00257094
July 19, 2018	0%	No impact	AOL-DEF-00257100
July 20, 2018	0%	No impact	AOL-DEF-00257102
July 21, 2018	0%	No impact	AOL-DEF-00257098
July 22, 2018	0%	No impact	AOL-DEF-00257096
July 23, 2018	0%	No impact	AOL-DEF-00257109
July 24, 2018	0%	No impact	AOL-DEF-00257111
July 25, 2018	0%	No impact	AOL-DEF-00090800
July 26, 2018	0%	No impact	AOL-DEF-00257115
July 28, 2018	0%	No impact	AOL-DEF-00075863
July 29, 2018	0%	No impact	AOL-DEF-00257117
July 30, 2018	0%	No impact	AOL-DEF-00257121
July 31, 2018	0%	No impact	AOL-DEF-00257119

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

August 1, 2018	Not Listed ¹	No impact	AOL-DEF-00257123
August 2, 2018	0%	No impact	AOL-DEF-00736185
August 3, 2018	Not Listed	No impact	AOL-DEF-00600173
August 4, 2018	Not Listed	No impact	AOL-DEF-00257126
August 5, 2018	0%	No impact	AOL-DEF-00351662
August 6, 2018	0%	No impact	AOL-DEF-00090606
August 7, 2018	0%	No impact	AOL-DEF-00257128
August 8, 2018	0%	No impact	AOL-DEF-00257130
August 9, 2018	0%	No impact	AOL-DEF-00257145
August 10, 2018	0%	No impact	AOL-DEF-00257134
August 11, 2018	0%	No impact	AOL-DEF-00257136
August 12, 2018	0%	No impact	AOL-DEF-00257139
August 13, 2018	0%	No impact	AOL-DEF-00257141
August 14, 2018	0%	No impact	AOL-DEF-00257143
August 15, 2018	Not listed	Not listed	AOL-DEF-00802568
August 16, 2018	0%	No impact	AOL-DEF-00257149
August 17, 2018	0%	No impact	AOL-DEF-00257147
August 18, 2018	0%	No impact	AOL-DEF-00257151
August 19, 2018	0%	No impact	AOL-DEF-00256904
August 20, 2018	0%	No impact	AOL-DEF-00257155
August 21, 2018	0%	No impact	AOL-DEF-00257157
August 22, 2018	0%	No impact	AOL-DEF-00256894
August 23, 2018	0%	No impact	AOL-DEF-00256900

¹Not listed” means that none of the reports produced for a given date contain data regarding Otay Mesa.

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

August 24, 2018	Not listed	Not listed	AOL-DEF-00802629
August 25, 2018	0%	No impact	AOL-DEF-00256896
August 26, 2018	0%	No impact	AOL-DEF-00256902
August 27, 2018	0%	No impact	AOL-DEF-00256906
August 28, 2018	0%	No impact	AOL-DEF-00075870
August 29, 2018	0%	No impact	AOL-DEF-00256912
August 30, 2018	Not listed	Not listed	AOL-DEF-00803198
August 31, 2018	Not listed	Not listed	AOL-DEF-00803200
September 1, 2018	0%	No impact	AOL-DEF-00256918
September 2, 2018	0%	No impact	AOL-DEF-00074293
September 3, 2018	0%	No impact	AOL-DEF-00256920
September 4, 2018	0%	No impact	AOL-DEF-00090855
September 5, 2018	0%	No impact	AOL-DEF-00256928
September 6, 2018	0%	No impact	AOL-DEF-00256924
September 7, 2018	0%	No impact	AOL-DEF-00256926
September 8, 2018	0%	No impact	AOL-DEF-00256922
September 9, 2018	0%	No impact	AOL-DEF-00256930
September 10, 2018	0%	No impact	AOL-DEF-00256934
September 11, 2018	Not Listed	Not listed	AOL-DEF-00256932
September 12, 2018	0%	No impact	AOL-DEF-00074295
September 13, 2018	0%	No impact	AOL-DEF-00256936
September 14, 2018	Not listed	Not listed	AOL-DEF-00256940
September 15, 2018	0%	No impact	AOL-DEF-00351321
September 16, 2018	0%	No impact	AOL-DEF-00256943

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

September 17, 2018	0%	No impact	AOL-DEF-00256938
September 18, 2018	0%	No impact	AOL-DEF-00256945
September 19, 2018	0%	No impact	AOL-DEF-00257185
September 20, 2018	0%	No impact	AOL-DEF-00257187
September 21, 2018	0%	No impact	AOL-DEF-00074338
September 22, 2018	0%	No impact	AOL-DEF-00074332
September 23, 2018	0%	No impact	AOL-DEF-00257189
September 24, 2018	0%	No impact	AOL-DEF-00257191
September 25, 2018	0%	No impact	AOL-DEF-00257195
September 26, 2018	0%	No impact	AOL-DEF-00257193
September 27, 2018	Not listed	Not listed	AOL-DEF-00567469
September 28, 2018	Not listed	Not listed	AOL-DEF-00257601
September 29, 2018	0%	No impact	AOL-DEF-00257431
September 30, 2018	Not listed	Not listed	AOL-DEF-00807179
October 1, 2018	0%	No impact	AOL-DEF-00257603
October 2, 2018	0%	No impact	AOL-DEF-00257609
October 3, 2018	0%	No impact	AOL-DEF-00257605
October 4, 2018	0%	No impact	AOL-DEF-00257607
October 5, 2018	0%	No impact	AOL-DEF-00257611
October 6, 2018	0%	No impact	AOL-DEF-00257613
October 7, 2018	0%	No impact	AOL-DEF-00257617
October 8, 2018	0%	No impact	AOL-DEF-00257615
October 9, 2018	0%	No impact	AOL-DEF-00257197
October 10, 2018	0%	No impact	AOL-DEF-00257205

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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October 11, 2018	0%	No impact	AOL-DEF-00257199
October 12, 2018	0%	No impact	AOL-DEF-00257201
October 13, 2018	0%	No impact	AOL-DEF-00351697
October 14, 2018	0%	No impact	AOL-DEF-00257203
October 15, 2018	0%	No impact	AOL-DEF-00257211
October 16, 2018	0%	No impact	AOL-DEF-00257207
October 17, 2018	0%	No impact	AOL-DEF-00257215
October 18, 2018	0%	No impact	AOL-DEF-00257213
October 19, 2018	0%	No impact	AOL-DEF-00257223
October 20, 2018	0%	No impact	AOL-DEF-00257219
October 21, 2018	0%	No impact	AOL-DEF-00257217
October 22, 2018	0%	No impact	AOL-DEF-00257225
October 23, 2018	0%	No impact	AOL-DEF-00257221
October 24, 2018	0%	No impact	AOL-DEF-00257229
October 25, 2018	0%	No impact	AOL-DEF-00257227
October 26, 2018	0%	No impact	AOL-DEF-00257239
October 27, 2018	0%	No impact	AOL-DEF-00257231
October 28, 2018	0%	No impact	AOL-DEF-00257233
October 29, 2018	0%	No impact	AOL-DEF-00257235
October 30, 2018	0%	No impact	AOL-DEF-00257243
October 31, 2018	0%	No impact	AOL-DEF-00257237
November 1, 2018	0%	No impact	AOL-DEF-00768946
November 2, 2018	0%	No impact	AOL-DEF-00074340
November 3, 2018	0%	No impact	AOL-DEF-00257241

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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November 4, 2018	0%	No impact	AOL-DEF-00090925
November 5, 2018	0%	No impact	AOL-DEF-00257245
November 6, 2018	0%	No impact	AOL-DEF-00090927
November 7, 2018	0%	No impact	AOL-DEF-00257247
November 8, 2018	0%	No impact	AOL-DEF-00257249
November 9, 2018	0%	No impact	AOL-DEF-00257251
November 10, 2018	0%	No impact	AOL-DEF-00093397
November 11, 2018	0%	No impact	AOL-DEF-00309972
November 12, 2018	0%	No impact	AOL-DEF-00257255
November 13, 2018	0%	No impact	AOL-DEF-00257257
November 14, 2018	0%	No impact	AOL-DEF-00074342
November 15, 2018	0%	No impact	AOL-DEF-00257261
November 16, 2018	0%	No impact	AOL-DEF-00257271
November 17, 2018	0%	No impact	AOL-DEF-00257259
November 18, 2018	0%	No impact	AOL-DEF-00257263
November 19, 2018	0%	No impact	AOL-DEF-00257265
November 20, 2018	0%	No impact	AOL-DEF-00517172
November 21, 2018	0%	No impact	AOL-DEF-00257269
November 22, 2018	0%	No impact	AOL-DEF-00257273
November 23, 2018	0%	No impact	AOL-DEF-00768948
November 24, 2018	0%	No impact	AOL-DEF-00257288
November 25, 2018	0%	No impact	AOL-DEF-00768950
November 26, 2018	0%	No impact	AOL-DEF-00768954
November 27, 2018	0%	No impact	AOL-DEF-00768952

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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November 28, 2018	0%	No impact	AOL-DEF-00257290
November 29, 2018	0%	No impact	AOL-DEF-00517176
November 30, 2018	0%	No impact	AOL-DEF-00257294
December 1, 2018	0%	No impact	AOL-DEF-00517174
December 2, 2018	0%	No impact	AOL-DEF-00257292
December 3, 2018	0%	No impact	AOL-DEF-00257304
December 4, 2018	0%	No impact	AOL-DEF-00257296
December 5, 2018	0%	No impact	AOL-DEF-00768956
December 6, 2018	0%	No impact	AOL-DEF-00257298
December 7, 2018	0%	No impact	AOL-DEF-00257300
December 8, 2018	0%	No impact	AOL-DEF-00517180
December 9, 2018	0%	No impact	AOL-DEF-00517178
December 10, 2018	0%	No impact	AOL-DEF-00257302
December 11, 2018	0%	No impact	AOL-DEF-00257308
December 12, 2018	0%	No impact	AOL-DEF-00257306
December 13, 2018	0%	No impact	AOL-DEF-00257323
December 14, 2018	0%	No impact	AOL-DEF-00768961
December 15, 2018	0%	No impact	AOL-DEF-00517182
December 16, 2018	0%	No impact	AOL-DEF-00517184
December 17, 2018	0%	No impact	AOL-DEF-00257325
December 18, 2018	0%	No impact	AOL-DEF-00762246
December 19, 2018	0%	No impact	AOL-DEF-00257327
December 20, 2018	0%	No impact	AOL-DEF-00768965
December 21, 2018	0%	No impact	AOL-DEF-00257345

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

December 22, 2018	0%	No impact	AOL-DEF-00517190
December 23, 2018	0%	No impact	AOL-DEF-00517186
December 24, 2018	0%	No impact	AOL-DEF-00257343
December 25, 2018	Not listed	Not listed	AOL-DEF-00351879
December 26, 2018	0%	No impact	AOL-DEF-00517188
December 27, 2018	0%	No impact	AOL-DEF-00257351
December 28, 2018	0%	No impact	AOL-DEF-00257347
December 29, 2018	0%	No impact	AOL-DEF-00517194
December 30, 2018	0%	No impact	AOL-DEF-00517192
December 31, 2018	0%	No impact	AOL-DEF-00517196
January 1, 2019	0%	No impact	AOL-DEF-00093554
January 2, 2019	0%	No impact	AOL-DEF-00093563
January 3, 2019	0%	No impact	AOL-DEF-00600947
January 4, 2019	0%	No impact	AOL-DEF-00527975
January 5, 2019	0%	No impact	AOL-DEF-00036631
January 6, 2019	0%	No impact	AOL-DEF-00196408
January 7, 2019	0%	No impact	AOL-DEF-00600550
January 8, 2019	0%	No impact	AOL-DEF-00550244
January 9, 2019	0%	No impact	AOL-DEF-00600862
January 10, 2019	Not listed	Not listed	AOL-DEF-00932689
January 11, 2019	Not listed	Not listed	AOL-DEF-00779369
January 12, 2019	0%	No impact	AOL-DEF-00036571
January 13, 2019	0%	No impact	AOL-DEF-00550472
January 14, 2019	0%	No impact	AOL-DEF-00092938

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

January 15, 2019	0%	No impact	AOL-DEF-00092948
January 16, 2019	0%	No impact	AOL-DEF-00092965
January 17, 2019	0%	No impact	AOL-DEF-00092968
January 18, 2019	0%	No impact	AOL-DEF-00092980
January 19, 2019	0%	No impact	AOL-DEF-00092997
January 20, 2019	0%	No impact	AOL-DEF-00093000
January 21, 2019	0%	No impact	AOL-DEF-00093665
January 22, 2019	0%	No impact	AOL-DEF-00916717
January 23, 2019	0%	No impact	AOL-DEF-00093674
January 24, 2019	0%	No impact	AOL-DEF-00093274
January 25, 2019	0%	No impact	AOL-DEF-00083797
January 26, 2019	14%	No impact	AOL-DEF-00916783
January 27, 2019	0%	No impact	AOL-DEF-00093278
January 28, 2019	0%	No impact	AOL-DEF-00093685
January 29, 2019	0%	No impact	AOL-DEF-00523445
January 30, 2019	0%	No impact	AOL-DEF-00523545
January 31, 2019	0%	No impact	AOL-DEF-00093694
February 1, 2019	0%	No impact	AOL-DEF-00093697
February 2, 2019	22%	No impact	AOL-DEF-00916740
February 3, 2019	0%	No impact	AOL-DEF-00093720
February 4, 2019	0%	No impact	AOL-DEF-00093725
February 5, 2019	0%	No impact	AOL-DEF-00083742
February 6, 2019	0%	No impact	AOL-DEF-00083722
February 7, 2019	0%	No impact	AOL-DEF-00093737

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

February 8, 2019	0%	No impact	AOL-DEF-00083619
February 9, 2019	0%	No impact	AOL-DEF-00083685
February 10, 2019	0%	No impact	AOL-DEF-00035032
February 11, 2019	0%	No impact	AOL-DEF-00093753
February 12, 2019	0%	No impact	AOL-DEF-00093761
February 13, 2019	0%	No impact	AOL-DEF-00083623
February 14, 2019	0%	No impact	AOL-DEF-00083680
February 15, 2019	0%	No impact	AOL-DEF-00035030
February 16, 2019	0%	No impact	AOL-DEF-00035027
February 17, 2019	Not listed	Not listed	AOL-DEF-00916970
February 18, 2019	0%	No impact	AOL-DEF-00083579
February 19, 2019	0%	No impact	AOL-DEF-00083554
February 20, 2019	0%	No impact	AOL-DEF-00035021
February 21, 2019	0%	No impact	AOL-DEF-00083710
February 22, 2019	0%	No impact	AOL-DEF-00093797
February 23, 2019	0%	No impact	AOL-DEF-00035018
February 24, 2019	0%	No impact	AOL-DEF-00093803
February 25, 2019	0%	No impact	AOL-DEF-00083457
February 26, 2019	0%	No impact	AOL-DEF-00083727
February 27, 2019	0%	No impact	AOL-DEF-00093812
February 28, 2019	0%	No impact	AOL-DEF-00083516
March 1, 2019	0%	No impact	AOL-DEF-00083445
March 2, 2019	0%	No impact	AOL-DEF-00083454
March 3, 2019	0%	No impact	AOL-DEF-00093866

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

March 4, 2019	0%	No impact	AOL-DEF-00093869
March 5, 2019	0%	No impact	AOL-DEF-00035046
March 6, 2019	0%	No impact	AOL-DEF-00093892
March 7, 2019	0%	No impact	AOL-DEF-00035038
March 8, 2019	0%	No impact	AOL-DEF-00085096
March 9, 2019	0%	No impact	AOL-DEF-00035041
March 10, 2019	Not listed	Not listed	AOL-DEF-00035076
March 11, 2019	0%	No impact	AOL-DEF-00035057
March 12, 2019	0%	No impact	AOL-DEF-00085243
March 13, 2019	0%	No impact	AOL-DEF-00035052
March 14, 2019	0%	No impact	AOL-DEF-00085252
March 15, 2019	0%	No impact	AOL-DEF-00085037
March 16, 2019	0%	No impact	AOL-DEF-00085045
March 17, 2019	0%	No impact	AOL-DEF-00085034
March 18, 2019	0%	No impact	AOL-DEF-00085040
March 19, 2019	0%	No impact	AOL-DEF-00085083
March 20, 2019	0%	No impact	AOL-DEF-00085072
March 21, 2019	0%	No impact	AOL-DEF-00084965
March 22, 2019	0%	No impact	AOL-DEF-00084880
March 23, 2019	0%	No impact	AOL-DEF-00085004
March 24, 2019	0%	No impact	AOL-DEF-00085014
March 25, 2019	0%	No impact	AOL-DEF-00085031
March 26, 2019	0%	No impact	AOL-DEF-00084860
March 27, 2019	0%	No impact	AOL-DEF-00084869

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

March 28, 2019	0%	No impact	AOL-DEF-00035061
March 29, 2019	Not listed	Not listed	N/A ²
March 30, 2019	0%	No impact	AOL-DEF-00084723
March 31, 2019	0%	No impact	AOL-DEF-00084689
April 1, 2019	0%	No impact	AOL-DEF-00084662
April 2, 2019	0%	No impact	AOL-DEF-00084601
April 3, 2019	0%	No impact	AOL-DEF-00084794
April 4, 2019	0%	No impact	AOL-DEF-00084720
April 5, 2019	0%	No impact	AOL-DEF-00084672
April 6, 2019	0%	No impact	AOL-DEF-00084541
April 7, 2019	Not listed	Not listed	AOL-DEF-00588514
April 8, 2019	0%	No impact	AOL-DEF-00084598
April 9, 2019	0%	No impact	AOL-DEF-00084488
April 10, 2019	0%	No impact	AOL-DEF-00084536
April 11, 2019	0%	No impact	AOL-DEF-00084527
April 12, 2019	0%	No impact	AOL-DEF-00365853
April 13, 2019	0%	No impact	AOL-DEF-00365628
April 14, 2019	0%	No impact	AOL-DEF-00084544
April 15, 2019	0%	No impact	AOL-DEF-00084547
April 16, 2019	0%	No impact	AOL-DEF-00365856
April 17, 2019	0%	No impact	AOL-DEF-00365631
April 18, 2019	0%	No impact	AOL-DEF-00365608
April 19, 2019	0%	No impact	AOL-DEF-00365332

² “N/A” means that no report was produced for this date.

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

April 20, 2019	0%	No impact	AOL-DEF-00084485
April 21, 2019	0%	No impact	AOL-DEF-00365255
April 22, 2019	0%	No impact	AOL-DEF-00365619
April 23, 2019	0%	No impact	AOL-DEF-00365370
April 24, 2019	0%	No impact	AOL-DEF-00365778
April 25, 2019	Not listed	Not listed	N/A
April 26, 2019	0%	No impact	AOL-DEF-00365611
April 27, 2019	0%	No impact	AOL-DEF-00365258
April 28, 2019	0%	No impact	AOL-DEF-00365622
April 29, 2019	03%	No impact	AOL-DEF-00365038
April 30, 2019	0%	No impact	AOL-DEF-00364993
May 1, 2019	0%	No impact	AOL-DEF-00364613
May 2, 2019	Not listed	Not listed	AOL-DEF-00082281
May 3, 2019	Not listed	Not listed	AOL-DEF-00374848
May 4, 2019	Not listed	Not listed	N/A
May 5, 2019	0%	No impact	AOL-DEF-00364577
May 6, 2019	0%	No impact	AOL-DEF-00364851
May 7, 2019	0%	No impact	AOL-DEF-00523768
May 8, 2019	0%	No impact	AOL-DEF-00364318
May 9, 2019	0%	No impact	AOL-DEF-00523762
May 10, 2019	Not listed	Not listed	AOL-DEF-00082253
May 11, 2019	0%	No impact	AOL-DEF-00364330
May 12, 2019	0%	No impact	AOL-DEF-00364205
May 13, 2019	0%	No impact	AOL-DEF-00364580

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

May 14, 2019	0%	No impact	AOL-DEF-00364574
May 15, 2019	0%	No impact	AOL-DEF-00364487
May 16, 2019	0%	No impact	AOL-DEF-00364490
May 17, 2019	0%	No impact	AOL-DEF-00523765
May 18, 2019	0%	No impact	AOL-DEF-00364528
May 19, 2019	0%	No impact	AOL-DEF-00523759
May 20, 2019	Not listed	Not listed	N/A
May 21, 2019	0%	No impact	AOL-DEF-00084200
May 22, 2019	0%	No impact	AOL-DEF-00084242
May 23, 2019	0%	No impact	AOL-DEF-00084259
May 24, 2019	0%	No impact	AOL-DEF-00364315
May 25, 2019	0%	No impact	AOL-DEF-00084281
May 26, 2019	0%	No impact	AOL-DEF-00084290
May 27, 2019	0%	No impact	AOL-DEF-00084268
May 28, 2019	0%	No impact	AOL-DEF-00084250
May 29, 2019	Not listed	Not listed	N/A
May 30, 2019	0%	No impact	AOL-DEF-00084256
May 31, 2019	Not listed	Not listed	N/A
June 1, 2019	0%	No impact	AOL-DEF-00084143
June 2, 2019	0%	No impact	AOL-DEF-00084089
June 3, 2019	0%	No impact	AOL-DEF-00084098
June 4, 2019	0%	No impact	AOL-DEF-00084153
June 5, 2019	Not listed	Not listed	N/A
June 6, 2019	Not listed	Not listed	AOL-DEF-00084040

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

June 7, 2019	0%	No impact	AOL-DEF-00084179
June 8, 2019	0%	No impact	AOL-DEF-00084132
June 9, 2019	0%	No impact	AOL-DEF-00084025
June 10, 2019	0%	No impact	AOL-DEF-00084176
June 11, 2019	Not listed	Not listed	N/A
June 12, 2019	0%	No impact	AOL-DEF-00084117
June 13, 2019	0%	No impact	AOL-DEF-00084005
June 14, 2019	0%	No impact	AOL-DEF-00084015
June 15, 2019	0%	No impact	AOL-DEF-00083995
June 16, 2019	0%	No impact	AOL-DEF-00084058
June 17, 2019	0%	No impact	AOL-DEF-00083977
June 18, 2019	0%	No impact	AOL-DEF-00084008
June 19, 2019	0%	No impact	AOL-DEF-00362926
June 20, 2019	0%	No impact	AOL-DEF-00084002
June 21, 2019	0%	No impact	AOL-DEF-00083936
June 22, 2019	0%	No impact	AOL-DEF-00083917
June 23, 2019	0%	No impact	AOL-DEF-00083939
June 24, 2019	0%	No impact	AOL-DEF-00523714
June 25, 2019	0%	No impact	AOL-DEF-00083928
June 26, 2019	0%	No impact	AOL-DEF-00523687
June 27, 2019	0%	No impact	AOL-DEF-00523680
June 28, 2019	0%	No impact	AOL-DEF-00523468
June 29, 2019	0%	No impact	AOL-DEF-00523462
June 30, 2019	0%	No impact	AOL-DEF-00035024

Al Otro Lado, Inc., et al. v. Wolf, et al., 3:2017-cv-02366 (S.D. Cal.)**Fed. R. Evid. 1006 Summary Exhibit**

July 1, 2019	0%	No impact	AOL-DEF-00083448
July 2, 2019	0%	No impact	AOL-DEF-00523370
July 3, 2019	0%	No impact	AOL-DEF-00367412
July 4, 2019	0%	No impact	AOL-DEF-00035055
July 5, 2019	0%	No impact	AOL-DEF-00084595
July 6, 2019	0%	No impact	AOL-DEF-00085153
July 7, 2019	0%	No impact	AOL-DEF-00365210
July 8, 2019	0%	No impact	AOL-DEF-00364694
July 9, 2019	0%	No impact	AOL-DEF-00084336
July 10, 2019	0%	No impact	AOL-DEF-00084191
July 11, 2019	0%	No impact	AOL-DEF-00084052
July 12, 2019	0%	No impact	AOL-DEF-00083956
July 13, 2019	0%	No impact	AOL-DEF-00523457
July 14, 2019	0%	No impact	AOL-DEF-00083442

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 24 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

25
26
27
28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

Al Otro Lado, Inc., et al. v. Wolf, et al., 3:2017-cv-02366 (S.D. Cal.)
Fed. R. Evid. 1006 Summary Exhibit

El Paso Port of Entry: Impact to Port Operations, 2018

Date	Capacity	Impact to Port Operations	Bates Number
June 16, 2018	50%	Negative	AOL-DEF-00273818
June 17, 2018	80%	No impact	AOL-DEF-00273655
June 18, 2018	78%	None	AOL-DEF-00037818
June 19, 2018	95%	No impact	AOL-DEF-00088501
June 20, 2018	95%	No impact	AOL-DEF-00278484
June 21, 2018	93%	No impact	AOL-DEF-00802860
June 22, 2018	52%	No impact	AOL-DEF-00802872
June 23, 2018	50%	No impact	AOL-DEF-00802883
June 24, 2018	62%	No impact	AOL-DEF-00806216
June 25, 2018	57%	No impact	AOL-DEF-00806220
June 26, 2018	58%	No impact	AOL-DEF-00806223
June 27, 2018	68%	No impact	AOL-DEF-00806228
June 28, 2018	65%	No impact	AOL-DEF-00806242
June 29, 2018	51%	No impact	AOL-DEF-00806245
June 30, 2018	57.4%	n/a ¹	AOL-DEF-00806096
July 1, 2018	68.7%	No impact	AOL-DEF-00806248
July 2, 2018	60%	No impact	AOL-DEF-00806254
July 3, 2018	62%	No impact	AOL-DEF-00806260
July 4, 2018	53%	No impact	AOL-DEF-00806257
July 5, 2018	27%	No impact	AOL-DEF-00806293
July 6, 2018	15%	No impact	AOL-DEF-00806297

¹ “n/a” means that none of the reports produced for a given date contain data regarding impact to port operations at the El Paso POE.

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
Fed. R. Evid. 1006 Summary Exhibit

Date	Capacity	Impact to Port Operations	Bates Number
July 7, 2018	59%	No impact	AOL-DEF-00806300
July 8, 2018	73%	No impact	AOL-DEF-00806303
July 9, 2018	99%	No impact	AOL-DEF-00806315
July 10, 2018	115%	Minimal	AOL-DEF-00806346
July 11, 2018	111%	Minimal Impact – Queue Mitigation in Process	AOL-DEF-00806363
July 12, 2018	80%	Minimal	AOL-DEF-00893377
July 13, 2018	92%	Minimal	AOL-DEF-00806402
July 14, 2018	92%	Minimal impact	AOL-DEF-00039550
July 15, 2018	93%	Minimal Impact – Queue Mitigation in Process	AOL-DEF-00806438
July 16, 2018	71%	No impact	AOL-DEF-00026865
July 17, 2018	110%	Minimal impact	AOL-DEF-00048983
July 18, 2018	110%	Minimal impact	AOL-DEF-00026873
July 19, 2018	85%	Minimal impact	AOL-DEF-00026898
July 20, 2018	97%	Minimal impact	AOL-DEF-00026903
July 21, 2018	75%	Minimal impact	AOL-DEF-00893414
July 22, 2018	102%	Queue Mitigation in Process	AOL-DEF-00806554
July 23, 2018	103%	Queue Mitigation in Process	AOL-DEF-00026908
July 24, 2018	75%	No impact	AOL-DEF-00026913
July 25, 2018	78%	No impact	AOL-DEF-00026922
July 26, 2018	18%	No impact	AOL-DEF-00026929
July 27, 2018	77%	No impact	AOL-DEF-00026934
July 28, 2018	75%	No impact	AOL-DEF-00893455

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Date	Capacity	Impact to Port Operations	Bates Number
July 29, 2018	110%	Minimal Impact – Queue Mitigation in Process	AOL-DEF-00806892
July 30, 2018	114%	Minimal impact	AOL-DEF-00026939
July 31, 2018	52%	Minimal impact	AOL-DEF-00026951
August 1, 2018	53.9%	n/a	AOL-DEF-00806884
August 2, 2018	57%	No impact	AOL-DEF-00026976
August 3, 2018	53%	No impact	AOL-DEF-00027000
August 4, 2018	59%	No impact	AOL-DEF-00806921
August 5, 2018	90%	No impact	AOL-DEF-00806933
August 6, 2018	94%	Minimal impact	AOL-DEF-00027005
August 7, 2018	63%	Minimal Impact – Queue Mitigation in Process	AOL-DEF-00806945
August 8, 2018	72%	No impact	AOL-DEF-00027806
August 9, 2018	81%	Minimal impact	AOL-DEF-00027070
August 10, 2018	74%	No impact	AOL-DEF-00807030
August 11, 2018	109%	No impact	AOL-DEF-00807031
August 12, 2018	119%	Bounda[r]y queue mitigation in progress	AOL-DEF-00807063
August 13, 2018	47%	No impact	AOL-DEF-00027093
August 14, 2018	58%	No impact	AOL-DEF-00027826
August 15, 2018	52%	No impact	AOL-DEF-00027098
August 16, 2018	90%	No impact	AOL-DEF-00027103
August 17, 2018	103%	Minimal impact	AOL-DEF-00027112
August 18, 2018	77%	No impact	AOL-DEF-00802586
August 19, 2018	78.3%	n/a	AOL-DEF-00892976

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Date	Capacity	Impact to Port Operations	Bates Number
August 20, 2018	85%	No impact	AOL-DEF-00027148
August 21, 2018	47%	No impact	AOL-DEF-00027155
August 22, 2018	54%	No impact	AOL-DEF-00027160
August 23, 2018	57%	No impact	AOL-DEF-00027171
August 24, 2018	79%	No impact	AOL-DEF-00027209
August 25, 2018	67%	No impact	AOL-DEF-00802625
August 26, 2018	87%	No impact	AOL-DEF-00805759
August 27, 2018	73%	No impact	AOL-DEF-00027214
August 28, 2018	63%	No impact	AOL-DEF-00027219
August 29, 2018	115%	No impact	AOL-DEF-00027246
August 30, 2018	46%	No impact	AOL-DEF-00027254
August 31, 2018	86%	No impact	AOL-DEF-00027261
September 1, 2018	88%	No impact	AOL-DEF-00803202
September 2, 2018	79%	No impact	AOL-DEF-00803207
September 3, 2018	75%	No impact	AOL-DEF-00803210
September 4, 2018	63%	No impact	AOL-DEF-00027271
September 5, 2018	73%	No impact	AOL-DEF-00027276
September 6, 2018	80%	No impact	AOL-DEF-00027281
September 7, 2018	83%	No impact	AOL-DEF-00027300
September 8, 2018	90%	No impact	AOL-DEF-00803223
September 9, 2018	116%	No impact	AOL-DEF-00803228
September 10, 2018	114%	Minimal impact – Queue Management in process	AOL-DEF-00027305
September 11, 2018	90%	No impact	AOL-DEF-00027320

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Date	Capacity	Impact to Port Operations	Bates Number
September 12, 2018	64%	No impact	AOL-DEF-00027325
September 13, 2018	83%	No impact	AOL-DEF-00027330
September 14, 2018	73%	No impact	AOL-DEF-00027335
September 15, 2018	94%	No impact	AOL-DEF-00803306
September 16, 2018	94%	No impact	AOL-DEF-00803303
September 17, 2018	98%	No impact	AOL-DEF-00027542
September 18, 2018	78%	No impact	AOL-DEF-00027549
September 19, 2018	100%	No impact	AOL-DEF-00027558
September 20, 2018	65%	No impact	AOL-DEF-00027563
September 21, 2018	76%	No impact	AOL-DEF-00027578
September 22, 2018	96.5%	n/a	AOL-DEF-00804555
September 23, 2018	89.6%	n/a	AOL-DEF-00804568
September 24, 2018	96%	No impact	AOL-DEF-00027585
September 25, 2018	91%	No impact	AOL-DEF-00027590
September 26, 2018	90%	No impact	AOL-DEF-00027595
September 27, 2018	80%	No impact	AOL-DEF-00027600
September 28, 2018	81%	No impact	AOL-DEF-00027605
September 29, 2018	65%	n/a	AOL-DEF-00807160
September 30, 2018	81%	No impact	AOL-DEF-00807180
October 1, 2018	89%	No impact	AOL-DEF-00027610
October 2, 2018	68%	No impact	AOL-DEF-00027615
October 3, 2018	106%	No impact	AOL-DEF-00027623
October 4, 2018	81%	No impact	AOL-DEF-00027633

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Date	Capacity	Impact to Port Operations	Bates Number
October 5, 2018	92%	No impact	AOL-DEF-00027649
October 6, 2018	100.9%	n/a	AOL-DEF-00803852
October 7, 2018	98.3%	n/a	AOL-DEF-00803869
October 8, 2018	106.1%	n/a	AOL-DEF-00803896
October 9, 2018	84%	No impact	AOL-DEF-00027656
October 10, 2018	98%	No impact	AOL-DEF-00027667
October 11, 2018	120%	No impact	AOL-DEF-00027674
October 12, 2018	99%	No impact	AOL-DEF-00027679
October 13, 2018	77%	n/a	AOL-DEF-00804617
October 14, 2018	104%	Metering in progress	AOL-DEF-00804060
October 15, 2018	111%	Queue Management in progress	AOL-DEF-00804124
October 16, 2018	99%	No impact	AOL-DEF-00027689
October 17, 2018	121%	No impact	AOL-DEF-00027702
October 18, 2018	115%	No impact	AOL-DEF-00027707
October 19, 2018	104%	No impact	AOL-DEF-00027712
October 20, 2018	113%	Queue Management in progress	AOL-DEF-00804263
October 21, 2018	132%	Queue Management in progress	AOL-DEF-00804308
October 22, 2018	110%	No impact	AOL-DEF-00027717
October 23, 2018	110%	No impact	AOL-DEF-00027725
October 24, 2018	95%	No impact	AOL-DEF-00027730
October 25, 2018	104%	No impact	AOL-DEF-00027740
October 26, 2018	138%	No impact	AOL-DEF-00027745

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Date	Capacity	Impact to Port Operations	Bates Number
October 27, 2018	104%	No impact to operations/active queue management	AOL-DEF-00803442
October 28, 2018	111%	Queue Management in Progress	AOL-DEF-00803450
October 29, 2018	114%	No impact	AOL-DEF-00027750
October 30, 2018	102%	Queue Management in Progress	AOL-DEF-00028284
October 31, 2018	102%	Queue Management in Progress	AOL-DEF-00028282
November 1, 2018	85%	Queue Management in Progress	AOL-DEF-00027350
November 2, 2018	93%	Queue Management in Progress	AOL-DEF-00027371
November 3, 2018	90%	n/a	AOL-DEF-00057083
November 4, 2018	85.5%	n/a	AOL-DEF-00803708
November 5, 2018	69%	Queue Management in Progress	AOL-DEF-00803774
November 6, 2018	91%	Queue Management in Progress	AOL-DEF-00027411
November 7, 2018	91%	Queue Management in Progress	AOL-DEF-00027437
November 8, 2018	114%	Queue Management in Progress	AOL-DEF-00803978
November 9, 2018	94%	Queue Management in Progress	AOL-DEF-00028307
November 10, 2018	101%	Queue Management in Progress	AOL-DEF-00028313
November 11, 2018	123%	Queue Management in Progress	AOL-DEF-00028314

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Date	Capacity	Impact to Port Operations	Bates Number
November 12, 2018	98%	Queue Management in Progress	AOL-DEF-00039374
November 13, 2018	149%	Queue Management in Progress	AOL-DEF-00028318
November 14, 2018	166%	Queue Management in Progress	AOL-DEF-00028323
November 15, 2018	135%	Queue Management in Progress	AOL-DEF-00028328
November 16, 2018	117%	Queue Management in Progress	AOL-DEF-00028333
November 17, 2018	129%	Queue Management in Progress	AOL-DEF-00804354
November 18, 2018	129%	Queue Management in Progress	AOL-DEF-00804366
November 19, 2018	90%	No impact	AOL-DEF-00028346
November 20, 2018	101%	Queue Management in Progress	AOL-DEF-00028351
November 21, 2018	117%	Queue Management in Progress	AOL-DEF-00028356
November 22, 2018	110%	Queue Management in Progress	AOL-DEF-00804448
November 23, 2018	117%	Queue Management in Progress	AOL-DEF-00028361
November 24, 2018	182%	Queue Management in Progress	AOL-DEF-00028366
November 25, 2018	181%	Queue Management in Progress	AOL-DEF-00804630
November 26, 2018	195%	Queue Management in Progress	AOL-DEF-00028386

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Date	Capacity	Impact to Port Operations	Bates Number
November 27, 2018	199%	Queue Management in Progress	AOL-DEF-00028391
November 28, 2018	154%	Queue Management in Progress	AOL-DEF-00028396
November 29, 2018	146%	Queue Management in Progress	AOL-DEF-00028401
November 30, 2018	136%	Queue Management in Progress	AOL-DEF-00028406
December 1, 2018	172%	Queue Management in Progress	AOL-DEF-00804679
December 2, 2018	153%	Queue Management in Progress	AOL-DEF-00804689
December 3, 2018	153%	Queue Management in Progress	AOL-DEF-00028412
December 4, 2018	156%	Queue Management in Progress	AOL-DEF-00028417
December 5, 2018	110%	Queue Management in Progress	AOL-DEF-00804721
December 6, 2018	110%	Queue Management in Progress	AOL-DEF-00028425
December 7, 2018	110%	Queue Management in Progress	AOL-DEF-00028430
December 8, 2018	137%	Queue Management in Progress	AOL-DEF-00804741
December 9, 2018	146%	Queue Management in Progress	AOL-DEF-00804751
December 10, 2018	157%	Queue Management in Progress	AOL-DEF-00028435
December 11, 2018	158%	Queue Management in Progress	AOL-DEF-00028442

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Date	Capacity	Impact to Port Operations	Bates Number
December 12, 2018	174%	Queue Management in Progress	AOL-DEF-00028444
December 13, 2018	165%	Queue Management in Progress	AOL-DEF-00050001
December 14, 2018	166%	Queue Management in Progress	AOL-DEF-00028446
December 15, 2018	152%	Queue Management in Progress	AOL-DEF-00804783
December 16, 2018	175%	Queue Management in Progress	AOL-DEF-00804789
December 17, 2018	177%	Queue Management in Progress	AOL-DEF-00101680
December 18, 2018	180%	Queue Management in Progress	AOL-DEF-00047507
December 19, 2018	157%	Queue Management in Progress	AOL-DEF-00050063
December 20, 2018	188%	n/a	AOL-DEF-00027756
December 21, 2018	177%	n/a	AOL-DEF-00027292
December 22, 2018	190%	Queue Management in Progress	AOL-DEF-00804831
December 23, 2018	147%	Queue Management in Progress	AOL-DEF-00804834
December 24, 2018	89%	Queue Management in Progress	AOL-DEF-00804837
December 25, 2018	64%	Queue Management in Progress	AOL-DEF-00804844
December 26, 2018	73%	n/a	AOL-DEF-00050135
December 27, 2018	70%	n/a	AOL-DEF-00050159
December 28, 2018	64%	n/a	AOL-DEF-00050179

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Date	Capacity	Impact to Port Operations	Bates Number
December 29, 2018	73.9%	n/a	AOL-DEF-00807636
December 30, 2018	71.3%	n/a	AOL-DEF-00807671
December 31, 2018	66%	n/a	AOL-DEF-00050203

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28 **SOUTHERN DISTRICT OF CALIFORNIA**

1 Al Otro Lado, Inc., *et al.*,

2 Plaintiffs,

3 v.

4 Chad F. Wolf,¹ *et al.*,

5 Defendants.

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 25 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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Laredo Port of Entry: Impact to Port Operations, June 17, 2018-July 15, 2019

Date	Capacity	Impact to Port Operations	Bates Number
June 17, 2018	67%	none	AOL-DEF-00037849
June 18, 2018	28%	None	AOL-DEF-00095711
June 19, 2018	70%	None	AOL-DEF-00095708
June 20, 2018	56%	None	AOL-DEF-00902058
June 21, 2018	51%	None	AOL-DEF-00095701
June 22, 2018	27%	None	AOL-DEF-00095722
June 23, 2018	48%	None	AOL-DEF-01037371
June 24, 2018	51%	None	AOL-DEF-00276324
June 25, 2018	42%	None	AOL-DEF-00902107
June 26, 2018	46%	None	AOL-DEF-00095737
June 27, 2018	47%	None	AOL-DEF-00095725
June 28, 2018	48%	No Impact	AOL-DEF-00100501
June 29, 2018	42%	None	AOL-DEF-00095728
June 30, 2018	50%	None	AOL-DEF-00095731
July 1, 2018	44%	None	AOL-DEF-00095740
July 2, 2018	68%	No impact to operations - Note* Total Detainees 51-48 are /CF	AOL-DEF-00095734
July 3, 2018	42%	None	AOL-DEF-01037549
July 4, 2018	40%	None	AOL-DEF-00095743
July 5, 2018	35%	None	AOL-DEF-00095752
July 6, 2018	41%	None	AOL-DEF-00095756
July 7, 2018	27%	None	AOL-DEF-00095747
July 8, 2018	20%	None	AOL-DEF-00095749
July 9, 2018	28%	None	AOL-DEF-00095759
July 10, 2018	26%	None	AOL-DEF-00095791
July 11, 2018	33%	None	AOL-DEF-00095804
July 12, 2018	38%	No Impact	AOL-DEF-00100300
July 13, 2018	45%	None	AOL-DEF-00095765
July 14, 2018	39%	None	AOL-DEF-00095768
July 15, 2018	40%	None	AOL-DEF-00095762
July 16, 2018	40%	None	AOL-DEF-01037635
July 17, 2018	46%	None	AOL-DEF-00095788
July 18, 2018	37%	None	AOL-DEF-00095824
July 19, 2018	26%	None	AOL-DEF-00095821
July 20, 2018	41%	None	AOL-DEF-00095776
July 21, 2018	26%	None	AOL-DEF-00095785

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Date	Capacity	Impact to Port Operations	Bates Number
July 22, 2018	18%	None	AOL-DEF-00095797
July 23, 2018	1%	None	AOL-DEF-00095801
July 24, 2018	5%	None	AOL-DEF-00095773
July 25, 2018	7%	None	AOL-DEF-00095782
July 26, 2018	18%	None	AOL-DEF-00095779
July 27, 2018	16%	None	AOL-DEF-00095813
July 28, 2018	18%	None	AOL-DEF-00095794
July 29, 2018	6%	Total detainees 9 w/ 7 CF	AOL-DEF-00095829
July 30, 2018	8%	Total detainees 10 w/ 10 CF	AOL-DEF-00095810
July 31, 2018	1%	None	AOL-DEF-00095807
August 1, 2018	1%	None	AOL-DEF-00095818
August 2, 2018	10%	No Impact	AOL-DEF-00027778
August 3, 2018	23%	None	AOL-DEF-00280156
August 4, 2018	14%	None	AOL-DEF-00095834
August 6, 2018	21%	None	AOL-DEF-00095837
August 7, 2018	9%	None	AOL-DEF-00095857
August 8, 2018	6%	None	AOL-DEF-00095840
August 9, 2018	13%	None	AOL-DEF-00276329
August 10, 2018	16%	None	AOL-DEF-00095873
August 11, 2018	32%	None	AOL-DEF-00095871
August 12, 2018	24%	None	AOL-DEF-00095882
August 13, 2018	15%	None	AOL-DEF-00095892
August 14, 2018	11%	None	AOL-DEF-00095894
August 15, 2018	14%	None	AOL-DEF-00095896
August 16, 2018	11%	None	AOL-DEF-00095902
August 17, 2018	3%	None	AOL-DEF-00095898
August 18, 2018	10%	None	AOL-DEF-00095900
August 19, 2018	26%	None	AOL-DEF-00095906
August 20, 2018	6%	None	AOL-DEF-00095904
August 21, 2018	6%	None	AOL-DEF-00095911
August 22, 2018	5%	None	AOL-DEF-00095927
August 23, 2018	22%	None	AOL-DEF-00095930
August 24, 2018	36%	None	AOL-DEF-00190153
August 25, 2018	37%	None	AOL-DEF-00190158
August 26, 2018	18%	None	AOL-DEF-00190155
August 27, 2018	19%	None	AOL-DEF-00190161

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Date	Capacity	Impact to Port Operations	Bates Number
August 28, 2018	39%	No Impact	AOL-DEF-00027912
August 29, 2018	14%	None	AOL-DEF-00190167
August 30, 2018	22%	None	AOL-DEF-00190165
August 31, 2018	42%	None	AOL-DEF-01038374
September 1, 2018	20%	None	AOL-DEF-00190174
September 2, 2018	10%	None	AOL-DEF-00190179
September 3, 2018	15%	None	AOL-DEF-00190172
September 4, 2018	15%	None	AOL-DEF-00190177
September 5, 2018	17%	None	AOL-DEF-00190184
September 6, 2018	13%	None	AOL-DEF-01038443
September 7, 2018	14%	None	AOL-DEF-01038447
September 8, 2018	14%	None	AOL-DEF-01038457
September 9, 2018	14%	None	AOL-DEF-01038461
September 10, 2018	10%	None	AOL-DEF-00190197
September 11, 2018	12%	None	AOL-DEF-01038510
September 12, 2018	18%	None	AOL-DEF-01038539
September 13, 2018	20%	None	AOL-DEF-00095844
September 14, 2018	22%	None	AOL-DEF-00095853
September 15, 2018	32%	None	AOL-DEF-00095842
September 16, 2018	24%	None	AOL-DEF-00095851
September 17, 2018	14%	None	AOL-DEF-00095847
September 18, 2018	18%	None	AOL-DEF-00095849
September 19, 2018	23%	None	AOL-DEF-01037820
September 20, 2018	15%	None	AOL-DEF-00095855
September 21, 2018	25%	None	AOL-DEF-00095876
September 22, 2018	10%	None	AOL-DEF-00095859
September 23, 2018	23%	None	AOL-DEF-00095868
September 24, 2018	44%	None	AOL-DEF-00095862
September 25, 2018	34%	None	AOL-DEF-00095865
September 26, 2018	30%	None	AOL-DEF-00095887
September 27, 2018	42%	None	AOL-DEF-00095884
September 28, 2018	31%	None	AOL-DEF-00095879
September 29, 2018	38%	None	AOL-DEF-00095889
September 30, 2018	18%	None	AOL-DEF-00095915
October 1, 2018	29%	None	AOL-DEF-00190340
October 2, 2018	36%	None	AOL-DEF-00190359
October 3, 2018	47%	None	AOL-DEF-00190345
October 4, 2018	46%	None	AOL-DEF-00190356

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Date	Capacity	Impact to Port Operations	Bates Number
October 5, 2018	47%	None	AOL-DEF-00190349
October 6, 2018	52%	None	AOL-DEF-00280177
October 7, 2018	56%	None	AOL-DEF-00095913
October 8, 2018	49%	None	AOL-DEF-00190347
October 9, 2018	38%	None	AOL-DEF-01039210
October 10, 2018	38%	None	AOL-DEF-00190291
October 11, 2018	37%	None	AOL-DEF-00190361
October 12, 2018	42%	None	AOL-DEF-01039233
October 13, 2018	40%	None	AOL-DEF-01039249
October 14, 2018	29%	None	AOL-DEF-00190299
October 15, 2018	38%	None	AOL-DEF-01039292
October 16, 2018	26%	No impact to Operations *Total Detainees 37/32 are CF*	AOL-DEF-00190296
October 17, 2018	32%	No impact to Operations - Note* Total Detainees 40/40 are CF	AOL-DEF-00190317
October 18, 2018	29%	No impact to Operations - Note* Total Detainees 37 / 36 are CF	AOL-DEF-00040457
October 19, 2018	32%	None	AOL-DEF-00190314
October 20, 2018	35%	None	AOL-DEF-00190305
October 21, 2018	38%	None	AOL-DEF-00095917
October 22, 2018	29%	None	AOL-DEF-00095925
October 23, 2018	39%	None	AOL-DEF-00040454
October 24, 2018	40%	None	AOL-DEF-00190353
October 25, 2018	26%	No impact to Operations Note** Total Detainees 30/32 are CF	AOL-DEF-00190311
October 26, 2018	23%	No impact to Operations Note ** Total Detainees 29/35 are CF	AOL-DEF-00190320
October 27, 2018	32%	None	AOL-DEF-00280174
October 28, 2018	29%	No impact to operations - Note* Total Detainees 39/36 are CF	AOL-DEF-00190332
October 29, 2018	16%	No impact to operations - Note* Total Detainees 22/20 are CF	AOL-DEF-00190323

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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Date	Capacity	Impact to Port Operations	Bates Number
October 30, 2018	38%	No impact to operations - Note* Total Detainees 48/48 are CF	AOL-DEF-00190363
October 31, 2018	35%	No impact to operations - Note* Total Detainees 48 / 44 are CF	AOL-DEF-00040460
November 1, 2018	54%	No impact to operations - Note* Total Detainees 42 / 38 are CF	AOL-DEF-00040462
November 2, 2018	28%	None	AOL-DEF-00190326
November 3, 2018	45%	None	AOL-DEF-00190335
November 4, 2018	25%	None	AOL-DEF-00190329
November 5, 2018	44%	None	AOL-DEF-00190351
November 6, 2018	36%	No impact to operations - Note* Total Detainees 45/39 are CF	AOL-DEF-00190342
November 7, 2018	51%	No impact to operations - Note* Total Detainees 64/64 are CF	AOL-DEF-00190337
November 8, 2018	34%	No impact to operations - Note* Total detainees 43/37 are CF	AOL-DEF-00381969
November 9, 2018	42%	No impact to operations - Note* Total Detainees 52/49 are CF	AOL-DEF-00101317
November 10, 2018	29%	No impact to operations - Note* Total Detainees 36/11 are CF	AOL-DEF-00101323
November 11, 2018	41%	No impact to operations	AOL-DEF-00101314
November 12, 2018	35%	No impact to operations.	AOL-DEF-00101320
November 13, 2018	43%	None	AOL-DEF-00039022
November 14, 2018	44%	No impact to operations.	AOL-DEF-00101331
November 15, 2018	32%	None	AOL-DEF-00101328
November 16, 2018	30%	None	AOL-DEF-00101185
November 17, 2018	54%	None	AOL-DEF-00101158
November 18, 2018	40%	None	AOL-DEF-00101167
November 19, 2018	33%	No impact to operations- Note* Total Detainees 41/ are CF 23	AOL-DEF-00101155

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Date	Capacity	Impact to Port Operations	Bates Number
November 20, 2018	46%	No impact to operations.	AOL-DEF-00101164
November 21, 2018	31%	No impact to operations.	AOL-DEF-00101161
November 22, 2018	37%	None	AOL-DEF-00101170
November 23, 2018	35%	None	AOL-DEF-00101173
November 24, 2018	36%	None	AOL-DEF-00101176
November 25, 2018	44%	None	AOL-DEF-00101036
November 26, 2018	45%	None	AOL-DEF-00101190
November 27, 2018	41%	No impact to operations - Note* Total Detainees 51/ are CF 50	AOL-DEF-00101182
November 29, 2018	42%	No impact to operations- Note* Total Detainees 53/ are CF 49	AOL-DEF-00101179
November 30, 2018	45%	No impact to operations.	AOL-DEF-00101039
December 1, 2018	33%		AOL-DEF-00038921
December 2, 2018	34%	[nothing listed]	AOL-DEF-00900075
December 3, 2018	35%	No impact to operations. - Note* Total Detainees 44/39 are CF	AOL-DEF-00900088
December 4, 2018	27%	No impact to operations. - Note* Total Detainees 34/31 are CF	AOL-DEF-00038925
December 5, 2018	34%	No impact to operations - Note*Total Detainees 43 / 43 are CF	AOL-DEF-00039002
December 6, 2018	31%	No impact to operations - Note* Total Detainees 39 / 35 are CF	AOL-DEF-00039016
December 7, 2018	38%	No impact to operations- Note* Total Detainees 47/28 are CF	AOL-DEF-00101196
December 8, 2018	48%	No impact to operations.	AOL-DEF-00101042
December 9, 2018	36%	No impact to operations.	AOL-DEF-00039004
December 10, 2018	44%	No impact to operations.	AOL-DEF-00101193
December 11, 2018	42%	No impact to operations.	AOL-DEF-00101188
December 12, 2018	21%	No impact to operations	AOL-DEF-00101204
December 13, 2018	40%	None	AOL-DEF-00101216
December 14, 2018	34%	None	AOL-DEF-00101221
December 15, 2018	36%	None	AOL-DEF-00101201

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Date	Capacity	Impact to Port Operations	Bates Number
December 16, 2018	38%	No impact to operations.	AOL-DEF-00101048
December 17, 2018	29%	No impact to operations.	AOL-DEF-00101213
December 18, 2018	34%	No impact to operations.	AOL-DEF-00101045
December 19, 2018	22%	No impact to operations.	AOL-DEF-00038931
December 20, 2018	20%	No impact to operations.	AOL-DEF-00038923
December 21, 2018	43%	No impact to operations.	AOL-DEF-00038927
December 22, 2018	38%	No impact to operations.	AOL-DEF-00039010
December 23, 2018	34%	No impact to operations.	AOL-DEF-00101199
December 24, 2018	22%	No impact to operations.	AOL-DEF-00101207
December 25, 2018	34%	No impact to operations.	AOL-DEF-00101210
December 26, 2018	38%	No impact to operations.	AOL-DEF-00101233
December 27, 2018	41%	No impact to operations.	AOL-DEF-00101218
December 28, 2018	26%	No impact to operations.	AOL-DEF-00039020
December 29, 2018	38%	No impact to operations.	AOL-DEF-00039018
December 30, 2018	35%	No impact to operations.	AOL-DEF-00039014
December 31, 2018	30%	No impact to operations.	AOL-DEF-00101224
January 1, 2019	38%	No Impact to Port Operations	AOL-DEF-00101236
January 2, 2019	50%	No Impact to Port Operations	AOL-DEF-00101238
January 3, 2019	39%	No impact to Port Operations	AOL-DEF-00101231
January 4, 2019	20%	No Impact to Port Operations	AOL-DEF-00101240
January 5, 2019	21%	No Impact to Port Operations	AOL-DEF-00101245
January 6, 2019	35%	No Impact to Port Operations	AOL-DEF-00101243
January 7, 2019	42%	No Impact to Port Operations	AOL-DEF-00101264
January 8, 2019	34%	No Impact to Port Operations.	AOL-DEF-00101254
January 9, 2019	44%	No Impact to Port Operations	AOL-DEF-00101250
January 10, 2019	33%	No Impact to Port Operations	AOL-DEF-00101270
January 11, 2019	30%	No Impact to Port Operations	AOL-DEF-00101258

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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Date	Capacity	Impact to Port Operations	Bates Number
January 12, 2019	19%	No Impact to Port Operations	AOL-DEF-00101261
January 13, 2019	35%	No Impact to Port Operations	AOL-DEF-00101266
January 14, 2019	37%	No Impact to Port Operations	AOL-DEF-00101278
January 15, 2019	37%	No Impact to Port Operations	AOL-DEF-00101284
January 16, 2019	40%	No Impact to Port Operations	AOL-DEF-00101272
January 17, 2019	18%	No Impact to Port Operations	AOL-DEF-00101281
January 18, 2019	36%	No Impact to Port Operations	AOL-DEF-00101308
January 19, 2019	34%	No Impact to Port Operations	AOL-DEF-00101311
January 20, 2019	33%	No Impact to Port Operations	AOL-DEF-00101296
January 21, 2019	42%	No Impact to Port Operations	AOL-DEF-00101290
January 22, 2019	33%	No Impact to Port Operations	AOL-DEF-00101287
January 23, 2019	42%	No Impact to Port Operations	AOL-DEF-00101299
January 24, 2019	30%	No Impact to Port Operations	AOL-DEF-00101293
January 25, 2019	33%	No Impact to Port Operations	AOL-DEF-00101305
January 26, 2019	42%	No Impact to Port Operations	AOL-DEF-00281831
January 27, 2019	36%	No Impact to Port Operations	AOL-DEF-00379331
January 28, 2019	45%	No Impact to Port Operations	AOL-DEF-00101326
January 29, 2019	50%	No Impact to Port Operations	AOL-DEF-00101302
January 30, 2019	41%	No Impact to Port Operations	AOL-DEF-00922902

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Date	Capacity	Impact to Port Operations	Bates Number
January 31, 2019	52%	No Impact to Port Operations	AOL-DEF-00101051
February 1, 2019	50%	No Impact to Port Operations	AOL-DEF-00038937
February 2, 2019	37%	No Impact to Port Operations	AOL-DEF-00038929
February 3, 2019	34%	No Impact to Port Operations	AOL-DEF-00101057
February 4, 2019	39%	No impact to Port Operations.	AOL-DEF-00194778
February 5, 2019	49%	No impact to Port Operations.	AOL-DEF-00038940
February 6, 2019	48%	No Impact to Port Operations	AOL-DEF-00101054
February 7, 2019	51%	No Impact to Port Operations	AOL-DEF-00194829
February 8, 2019	41%	No Impact to Port Operations	AOL-DEF-00101066
February 9, 2019	43%	No Impact to Port Operations	AOL-DEF-00101063
February 10, 2019	46%	No impact to Port Operations	AOL-DEF-00101060
February 11, 2019	44%	None	AOL-DEF-00101069
February 12, 2019	50%	None	AOL-DEF-00101072
February 13, 2019	50%	None	AOL-DEF-00101079
February 14, 2019	54%	None	AOL-DEF-00101087
February 15, 2019	29%	No Impact to Port Operations	AOL-DEF-00101098
February 16, 2019	41%	No Impact to Port Operations	AOL-DEF-00101095
February 17, 2019	31%	No Impact to Port Operations	AOL-DEF-00195358
February 18, 2019	41%	No Impact to Port Operations	AOL-DEF-00101090
February 19, 2019	42%	No Impact to Port Operations.	AOL-DEF-00101101
February 20, 2019	37%	No Impact to Port Operations.	AOL-DEF-00101093
February 21, 2019	52%	None	AOL-DEF-00101104

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Date	Capacity	Impact to Port Operations	Bates Number
February 22, 2019	54%	No Impact to Port Operations.	AOL-DEF-00101107
February 23, 2019	46%	No Impact to Port Operations	AOL-DEF-00195472
February 24, 2019	56%	No Impact to Port Operations.	AOL-DEF-00101119
February 25, 2019	48%	No Impact to Port Operations	AOL-DEF-00194610
February 26, 2019	38%	No Impact to Port Operations	AOL-DEF-00101122
February 27, 2019	38%	No Impact to Port Operations	AOL-DEF-00101143
February 28, 2019	38%	No Impact to Port Operations	AOL-DEF-00101134
March 1, 2019	36%	No Impact to Port Operations	AOL-DEF-00101137
March 2, 2019	48%	No Impact to Port Operations	AOL-DEF-00101140
March 3, 2019	36%	No Impact to Port Operations	AOL-DEF-00101146
March 4, 2019	41%	No Impact to Port Operations	AOL-DEF-00101149
March 5, 2019	44%	No Impact to Port Operations.	AOL-DEF-00101152
March 6, 2019	54%	No Impact to Port Operations	AOL-DEF-00101356
March 7, 2019	56%	No Impact to Port Operations	AOL-DEF-00101347
March 8, 2019	53%	No Impact to Port Operations	AOL-DEF-00101344
March 9, 2019	47%	No Impact to Port Operations	AOL-DEF-00101359
March 10, 2019	38%	No Impact to Port Operations	AOL-DEF-00101350
March 11, 2019	34%	No Impact to Port Operations	AOL-DEF-00101341
March 12, 2019	37%	No Impact to Port Operations	AOL-DEF-00101362

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Date	Capacity	Impact to Port Operations	Bates Number
March 13, 2019	48%	No Impact to Port Operations	AOL-DEF-00101353
March 14, 2019	40%	None	AOL-DEF-00189985
March 15, 2019	52%	No impact to Port Operations	AOL-DEF-00189991
March 16, 2019	49%	No impact to Port Operations	AOL-DEF-00189993
March 17, 2019	52%	No impact to Port Operations	AOL-DEF-00189996
March 18, 2019	47%	No impact to Port Operations	AOL-DEF-00189999
March 19, 2019	23%	No impact to Port Operations	AOL-DEF-00190004
March 20, 2019	42%	No impact to Port Operations	AOL-DEF-00190006
March 21, 2019	33%	No impact to Port Operations	AOL-DEF-00282710
March 22, 2019	41%	No impact to Port Operations	AOL-DEF-00194945
March 23, 2019	37%	No impact to Port Operations	AOL-DEF-00194962
March 24, 2019	46%	No impact to Port Operations	AOL-DEF-00186932
March 25, 2019	39%	No impact to Port Operations	AOL-DEF-00193932
March 26, 2019	47%	No impact to Port Operations	AOL-DEF-00193892
March 27, 2019	43%	No Impact to Port Operations	AOL-DEF-00698918
March 28, 2019	46%	No Impact to Port Operations	AOL-DEF-00698921
March 29, 2019	37%	No impact to Port Operations	AOL-DEF-00041435
March 30, 2019	46%	No impact to Port Operations	AOL-DEF-00194922
March 31, 2019	43%	No impact to Port Operations	AOL-DEF-00186939
April 1, 2019	36%	No impact to Port Operations	AOL-DEF-00193784

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Date	Capacity	Impact to Port Operations	Bates Number
April 2, 2019	46%	No impact to Port Operations	AOL-DEF-00193700
April 3, 2019	40%	No impact to Port Operations	AOL-DEF-00184984
April 4, 2019	42%	[nothing listed]	AOL-DEF-00087286
April 5, 2019	38%	No impact to Port Operations	AOL-DEF-00184991
April 6, 2019	46%	No impact to Port Operations	AOL-DEF-00184999
April 7, 2019	39%	No impact to Port Operations	AOL-DEF-00185002
April 8, 2019	36%	No impact to Port Operations	AOL-DEF-00385255
April 9, 2019	24%	No impact to Port Operations	AOL-DEF-00185008
April 10, 2019	40%	No impact to Port Operations	AOL-DEF-00185011
April 11, 2019	48%	No impact to Port Operations	AOL-DEF-00171363
April 12, 2019	36%	No impact to Port Operations	AOL-DEF-00185018
April 13, 2019	38%	No impact to Port Operations	AOL-DEF-00190012
April 14, 2019	47%	No impact to Port Operations	AOL-DEF-00194452
April 15, 2019	54%	No impact to Port Operations	AOL-DEF-00190023
April 16, 2019	45%	No impact to Port Operations	AOL-DEF-00186956
April 17, 2019	43%	No impact to Port Operations	AOL-DEF-00186963
April 18, 2019	38%	No impact to Port Operations	AOL-DEF-00186953
April 19, 2019	46%	No impact to Port Operations	AOL-DEF-00186968
April 20, 2019	49%	No impact to Port Operations.	AOL-DEF-00041297
April 21, 2019	53%	No impact to Port Operations	AOL-DEF-00186966

***Al Otro Lado, Inc., et al. v. Wolf, et al.*, 3:2017-cv-02366 (S.D. Cal.)**
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Date	Capacity	Impact to Port Operations	Bates Number
April 22, 2019	49%	No impact to Port Operations	AOL-DEF-00279978
April 23, 2019	40%	No impact to Port Operations	AOL-DEF-00186970
April 24, 2019	36%	No impact to Port Operations	AOL-DEF-00193662
April 25, 2019	40%	[nothing listed]	AOL-DEF-00087670
April 29, 2019	39%	[nothing listed]	AOL-DEF-00087608
April 30, 2019	30%	[nothing listed]	AOL-DEF-00086640
May 1, 2019	30%	[nothing listed]	AOL-DEF-00086969
May 2, 2019	38%	[nothing listed]	AOL-DEF-00086900
May 3, 2019	44%	No impact to Port Operations	AOL-DEF-00082849
May 4, 2019	0%	No impact to Port Operations.	AOL-DEF-00082277
May 5, 2019	0%	No impact to Port Operations.	AOL-DEF-00082274
May 6, 2019	63%	[nothing listed]	AOL-DEF-00086662
May 7, 2019	38%	[nothing listed]	AOL-DEF-00087013
May 8, 2019	46%	[nothing listed]	AOL-DEF-00087047
May 9, 2019	59%	[nothing listed]	AOL-DEF-00086887
May 10, 2019	34%	[nothing listed]	AOL-DEF-00086530
May 13, 2019	34%	[nothing listed]	AOL-DEF-00088460
May 14, 2019	57%	[nothing listed]	AOL-DEF-00086596
May 15, 2019	51%	[nothing listed]	AOL-DEF-00086862
May 16, 2019	56%	[nothing listed]	AOL-DEF-00088416
May 17, 2019	42%	[nothing listed]	AOL-DEF-00087003
May 20, 2019	42%	[nothing listed]	AOL-DEF-00086775
May 21, 2019	58%	[nothing listed]	AOL-DEF-00088443
May 22, 2019	51%	[nothing listed]	AOL-DEF-00087060
May 23, 2019	62%	[nothing listed]	AOL-DEF-00087023
May 24, 2019	58%	[nothing listed]	AOL-DEF-00085953
May 27, 2019	52%	[nothing listed]	AOL-DEF-00085890
May 28, 2019	45%	[nothing listed]	AOL-DEF-00085906
May 29, 2019	48%	[nothing listed]	AOL-DEF-00085929
May 30, 2019	53%	[nothing listed]	AOL-DEF-00085916
May 31, 2019	50%	[nothing listed]	AOL-DEF-00085865
June 3, 2019	47%	[nothing listed]	AOL-DEF-00085820

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Date	Capacity	Impact to Port Operations	Bates Number
June 5, 2019	54%	[nothing listed]	AOL-DEF-00085718
June 6, 2019	44%	[nothing listed]	AOL-DEF-00085836
June 7, 2019	52%	[nothing listed]	AOL-DEF-00085757
June 10, 2019	49%	[nothing listed]	AOL-DEF-00085786
June 11, 2019	47%	[nothing listed]	AOL-DEF-00085700
June 12, 2019	38%	[nothing listed]	AOL-DEF-00085652
June 13, 2019	47%	[nothing listed]	AOL-DEF-00085738
June 14, 2019	17%	[nothing listed]	AOL-DEF-00085767
June 17, 2019	37%	[nothing listed]	AOL-DEF-00085685
June 18, 2019	40%	[nothing listed]	AOL-DEF-00086313
June 19, 2019	25%	[nothing listed]	AOL-DEF-00086284
June 20, 2019	46%	[nothing listed]	AOL-DEF-00086339
June 21, 2019	44%	[nothing listed]	AOL-DEF-00086326
June 24, 2019	42%	[nothing listed]	AOL-DEF-00086297
June 25, 2019	41%	[nothing listed]	AOL-DEF-00086162
June 26, 2019	30%	[nothing listed]	AOL-DEF-00086190
June 27, 2019	48%	[nothing listed]	AOL-DEF-00086222
June 28, 2019	36%	[nothing listed]	AOL-DEF-00086117
July 1, 2019	36%	[nothing listed]	AOL-DEF-00086082
July 2, 2019	47%	[nothing listed]	AOL-DEF-00086149
July 3, 2019	49%	[nothing listed]	AOL-DEF-00086046
July 5, 2019	30%	[nothing listed]	AOL-DEF-00086029
July 8, 2019	56%	[nothing listed]	AOL-DEF-00085977
July 9, 2019	38%	[nothing listed]	AOL-DEF-00086455
July 10, 2019	27%	[nothing listed]	AOL-DEF-00086382
July 11, 2019	29%	[nothing listed]	AOL-DEF-00086367
July 12, 2019	34%	[nothing listed]	AOL-DEF-00086353
July 15, 2019	12%	[nothing listed]	AOL-DEF-00086468

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 29 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

25
26
27
28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

From: HOOD, ROBERT W
Sent: Friday, March 25, 2016 11:11 AM
To: COOK, VERNON
CC: SALAZAR, DAVID A; AKI, SIDNEY K; KOSEOR, RYAN M; CASTILLO, MOISES; MARIN, MARIZA; KIRKMAN, JOSEPH E;
 HOOD, ROBERT W
Subject: RE: Due NLT 12:00 pm Friday March 25th -Commissioner's Management Staff - OMM #5 (OFO)

Importance: High

Vernon,

We will activate our Overflow Contingency plan in the AEU SOP.

DP

DP

1 Overflow Contingency Plan

1.1 In instances where the maximum capacity of [REDACTED] LE is reached, an Overflow Contingency plan will be activated:

- Notify the WC and draft all eligible personnel.
- Activate the Old Port for a THA Family Units and low-risk detainees (capacity 150 detainees).
- Activate 2nd Floor AEU for low FAMU (capacity 49 detainees)
- Ensure no UAC's or Adult males are moved to the THA.
- Notify the WC and APD that the contingency plan will be activated.
- Assign a minimum of two DCO's (more if warranted) to each overflow area.
- Ensure two Supervisors (one on the desk and one roving) are assigned per shift.
- Screen the rack and pull any cases eligible for a streamlined Withdrawal in accordance with Field Office SOP 09-03.
- [REDACTED]
- Contact area Ports and request assistance via Virtual Processing (VP).
- Contact Calexico Port of Entry WC- Request help with processing Expedited Removals, Withdrawals and Credible fear claim cases. [REDACTED] LE
- [REDACTED] LE
- Contact OIC at 'Barracks 5' (BK5) - Request any bed space or even a holding room BK5 if available [REDACTED] LE
- [REDACTED] LE
- Contact Correctional Alternatives Incorporated (CAI 30-40 males) and Casa San Juan (CSJ 30 - 40 females) for movement and temporary housing for low risk males and low risk females respectively. (Before placing a female at Casa San Juan the female must be cleared for Tuberculosis. The number of detainees housed offsite will be determined by Management based on the Quarterly budget).
- Request expedited ICE/ERO transportation of detainees to stage at the San Luis Facility for placement nationwide.

From: COOK, VERNON
Sent: Thursday, March 24, 2016 7:25 AM
To: CASTILLO, MOISES <[REDACTED]> KOSEOR, RYAN M <[REDACTED]>
Cc: SALAZAR, DAVID A <[REDACTED]> HOOD, ROBERT W <[REDACTED]>
Subject: FW: Due NLT 12:00 pm Friday March 25th -Commissioner's Management Staff - OMM #5 (OFO)

DP

Vernon Cook
 San Diego, Field Office
 [REDACTED]

From: ARMUJO, JOHNNY L
Sent: Thursday, March 24, 2016 5:49 AM
To: COOK, VERNON
Cc: GRANADOS, ANDREA M; FLORES, PETE ROMERO
Subject: FW: Due NLT 12:00 pm Friday March 25th -Commissioner's Management Staff - OMM #5 (OFO)

Good morning, Vernon.

We have another incoming tasking with a short fuse; see below.

From: GOLDSBERRY, SHERRY L

Sent: Thursday, March 24, 2016 11:50:58 AM

To: SKINNER, BRADD M.; BRUMFIELD, BONITA; HIGGERSON, DAVID P; LONGORIA, FRANK S; MARES, LIZET M; RAMOS, JOE G; Skinner, Bradd; AVEITIA, PATRICIA; BROWN, FRANCIS D; CLEAVES, SAMUEL B; MANCHA, HECTOR; PROVENCIO, RAY; SAINDON, CHRISTOPHER; BROOKS, WILLIAM K; HUMPHRIES, MICHAEL W; JANKOWSKI, MARK J; TONG, JAMES Y; ARMJO, JOHNNY L; BRINTON, WALTER A; FLORES, PETE ROMERO; HENNING, PAUL R

Cc: GOLDSBERRY, SHERRY L; O'DONNELL, MARTIN E; OFO-FIELD LIAISON; GONZALEZ, JOE V

Subject: Due NLT 12:00 pm Friday March 25th -Commissioner's Management Staff - OMM #5 (OFO)

Good morning Field Offices,

DP

Thank you,

Sherry Goldsberry

Branch Chief

U.S. Customs and Border Protection

Office of Field Operations

Field Liaison Division

Unclass:

HSDN:

NOC:

JWICS:

Desk:

Field Liaison Main Office:

Fax:

BB:



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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 38 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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From: HOOD, ROBERT W
Sent: Wednesday, May 25, 2016 2:29 PM
To: AKI, SIDNEY K
CC: CASTILLO, MOISES; MARIN, MARIZA; HOOD, ROBERT W
Subject: Haitian Processing Action Plan
Attachments: Haitian Processing Action Plan.docx

Importance: High

Sir,

Below is our initial Haitian Processing Action plan:

Situational Summary: There has been a significant increase in Haitians requesting asylum and/or Temporary Protected Status at the POE. The current surge of Haitians has created lengthy detentions and undesirable conditions at the POE. Limited space, movement and placement of Haitians and lone males and females by ICE/ERO has also created cramped conditions for detainees. As such, management has identified the need for an off-site processing center with a large capacity to process and house detainees until ICE/ERO can move them NTA-Release with ATD.

Currently San Ysidro and Otay Mesa have 533 detainees on site with 340 in the Asylum Line for a total of **873**. Approximately 700 of the total detainees on site are Haitians. Currently there are 31 detainees at Barracks 5, seven (7) at Brown Field Station, and four (4) at Imperial Beach Station.

Action Plan: Process and house Haitian detainees at Brown Field Station, with the potential to house up to 400 detainees.

Staffing:

Eight officers and one Supervisor will be assigned per shift. The AEU supervisor will prepare the daily schedules for this location and coordinate with Miami Field Office for Virtual Processing with Creole speakers.

- Two (2) officers will intake and fingerprint.
- Two (2) officers will prep cases.
- Three (3) officers will process cases.
- One (1) officer will serve as the detention control officer and will take care of the detainee's needs.
- One (1) supervisor will be assigned to supervise the team and review case files.

Three (3) officers have been identified who speak Creole and will be assigned to conduct interviews. Miami has identified 20 officers who speak Creole and will schedule Virtual Processing of Haitians with the team assigned to Brown Field Station. Brown Field Station has 13 work stations and 3 IAFIS machines.

Meals:

Detainees will be fed breakfast, lunch and dinner (delivered by Quality Coast Inc.). The AEU duty supervisors will be responsible for coordinating with the off-site supervisor to ensure that sufficient meals are on hand.

- Additionally, juice, water and snacks will be readily available on site.
- Water will be delivered to the station as needed.
- The port will provide blankets for all detainees held at Brown Field Station.

Transportation:

Transportation of detainees between the POE and Brown Field will be coordinated by AEU and a dedicated transportation team of officers comprised of A-TCET, SRT and ATU. The transportation team will take Haitian detainees directly from the Asylum line and transport. Each detainee will be patted down for weapons prior to getting into the bus or van. Once at the station, detainees will receive a full pat down and an Appendix D will be completed by the transport team.

AEU is attempting to obtain a bus to transport Haitians directly from the Asylum Line to Brown Field Station. If a bus is obtained, the team will transport 40+ Haitians per trip with three (3) officers. If not, four (4) vans with two officers each (8) will be used to transport 12 per van load.

Communication: phones and contact numbers:

AEU Duty Supervisors: [REDACTED]

BC Marin: [REDACTED]

WC Castillo [REDACTED]

Brown Field [REDACTED]

Highly Confidential/Attorneys' Eyes Only

AOL-DEF-00243100

4-SER-819

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 54 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 64 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

)
AL OTRO LADO, INC., et al.,)
)
Plaintiffs,) Case Number:
)
vs.) 17-cv-02366-BAS-KSC
)
CHAD F. WOLF, et al.,)
)
Defendants.)
_____)

** CONFIDENTIAL **

DEPOSITION OF SCOTT GLABE
As 30(b)(6) Designee of
U.S. DEPARTMENT OF HOMELAND SECURITY
(Via videoconference)
Washington, DC
July 1, 2020

Reported by: John L. Harmonson, RPR
Job No. 596757



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4

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July 1, 2020

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9:56 a.m.

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Deposition of SCOTT GLABE, as 30(b)(6)

10

designee of the U.S. Department of Homeland

11

Security, taken via videoconference with all

12

parties appearing remotely, pursuant to the

13

Federal Rules of Civil Procedure, subject to such

14

stipulations as may be recited herein or attached

15

hereto, before John L. Harmonson, a Registered

16

Professional Reporter and Notary Public of the

17

District of Columbia, who officiated in

18

administering the oath to the witness.

19

20

21

22

A P P E A R A N C E S

On behalf of the Plaintiffs:

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On behalf of the Defendants:

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Ben Franklin Station, P.O. Box 868
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BY: KATHERINE J. SHINNERS, ESQ.
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U.S. DEPARTMENT OF HOMELAND SECURITY
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(Via videoconference)

5 BY: AMBER NAPOLITANO, ESQ.
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8 ALSO PRESENT (via videoconference):

9 KEVIN CRANFORD, Webex Technician

10 NOAH FOX, Videographer

11

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1 EXAMINATION INDEX

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7

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9 EXHIBIT NO. PAGE

10 Exhibit 320 Notice of Rule 30 (b) (6) 17

11 Deposition

12 Exhibit 321 World Bank report "Rapidly 66

13 Assessing the Impact of

14 Hurricane Matthew in Haiti"

15 Exhibit 322 E-mails, beginning Bates 67

16 AOL-DEF-00802340

17 Exhibit 323 E-mails, beginning Bates 78

18 AOL-DEF-00258173

19 Exhibit 324 PowerPoint: U.S. Customs and 86

20 Border Protection Crisis Action

21 Team, November 29, 2016, Bates

22 AOL-DEF-00815563

1 decision-making on putting the Nogales processing
2 center on hold?

3 MS. SHINNERS: Object to the scope.

4 You can answer.

5 THE WITNESS: I don't recall doing so,
6 no.

7 BY MR. MEDLOCK:

8 Q. So as you sit here today, you don't
9 know whether DHS might have been involved in the
10 decision-making on putting the Nogales processing
11 center on hold until further notice; is that
12 right?

13 A. That's correct.

14 Q. So we have now looked at a series of
15 exhibits that occurred -- decisions that were
16 made or reported out within a week after the
17 results of the presidential election in the
18 United States were announced on November 8, 2016.
19 And these e-mails show that on November 9, 2016,
20 an internal CBP e-mail reported the fact that the
21 El Centro processing facility would be put on
22 hold on November 10, 2016. The secretary of

1 Homeland Security, Jeh Johnson, approved
2 expanding the ports of entry in Texas. And on
3 November 15, 2016, the decision was made to put
4 the Nogales processing center on hold. Is that
5 correct, sir?

6 MS. SHINNERS: Object; argumentative.
7 Object to the characterization.

8 You can answer.

9 THE WITNESS: Sorry, could you repeat
10 the question?

11 MR. MEDLOCK: I probably couldn't if I
12 tried. How about the court reporter read it
13 back?

14 (The record was read back by the
15 reporter as follows:

16 "Question: So we have now looked at a
17 series of exhibits that occurred --
18 decisions that were made or reported out
19 within a week after the results of the
20 presidential election in the United States
21 were announced on November 8, 2016. And
22 these e-mails show that on November 9, 2016,

1 an internal CBP e-mail reported the fact
2 that the El Centro processing facility would
3 be put on hold on November 10, 2016. The
4 secretary of Homeland Security, Jeh Johnson,
5 approved expanding the ports of entry in
6 Texas. And on November 15, 2016, the
7 decision was made to put the Nogales
8 processing center on hold. Is that correct,
9 sir?")

10 MS. SHINNERS: Objection. Same
11 objections, and also compound.

12 THE WITNESS: Should I --

13 MS. SHINNERS: Yes, you should answer.

14 THE WITNESS: Since it's a multipart
15 question, let me try my best with a
16 multipart answer here.

17 So one, just as a technical matter, I
18 believe the first part referred to the
19 presidential election results being
20 announced on November 8th, and I think that
21 another document we looked at earlier, a New
22 York Times article from November 9th, made

1 reference to the then candidate Clinton
2 conceding on or about 3:00 a.m. on the 9th.
3 So I believe -- and I guess the results
4 would have been announced on a rolling basis
5 on the 8th and 9th, but I believe the
6 overall results of the election weren't
7 known until the morning of November 9th.

8 Setting that aside, I think we've
9 discussed three different -- three different
10 determinations that were made, all based on
11 sort of internal CBP documents. One
12 referenced sort of putting on hold the El
13 Centro facility. Again, as we discussed
14 previously, that was on November 9th. The
15 e-mail says the information was communicated
16 on November 9th. I'm unclear when the
17 decision was made.

18 The second was with respect to
19 metering in Texas, and the CBP records
20 indicate that it was approved at the
21 department level by then Secretary Johnson,
22 and I have no reason to dispute that but

1 would just highlight the CBP
2 characterization -- the headquarters
3 characterization.

4 And then the third piece that we just
5 discussed was with reference to Nogales
6 which is explicitly characterized as a CBP
7 determination rather than a DHS
8 determination.

9 And then while true that this is sort
10 of a matter and the calendar and the clock,
11 each of the three things that we've
12 discussed occurred in the sort of --
13 occurred or were communicated in the
14 November 9th to I believe it was
15 November 15th time frame. I'm not aware of
16 the connection between -- either in the
17 documents or otherwise between those --
18 those actions taken by President Obama's DHS
19 and CBP leadership and the fact of a
20 presidential election on November 8th.

21 MR. MEDLOCK: Okay. We've been going
22 for a little over an hour. Do you want to

1 take a quick break?

2 THE WITNESS: Sure.

3 MS. SHINNERS: That's fine with me.

4 MR. MEDLOCK: Why don't we go off the
5 record.

6 THE TECHNICIAN: We are going off the
7 record. The time is now 2:27.

8 (Recess taken.)

9 THE TECHNICIAN: We are back on the
10 record. The time is now 2:42.

11 BY MR. MEDLOCK:

12 Q. Sir, I would like to shift gears for a
13 moment. Are you aware that in April 2018 Todd
14 Owen issued a memorandum containing metering
15 guidance to the directors of field operations at
16 OFO?

17 MS. SHINNERS: And just for the
18 record -- go ahead.

19 BY MR. MEDLOCK:

20 Q. I just couldn't hear your answer. Was
21 that a yes?

22 A. I know Katie was trying to jump in, so

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18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

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21 Chad F. Wolf,¹ *et al.*,

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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 68 IN SUPPORT OF
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From: MCALEENAN, KEVIN K
Sent: Friday, November 11, 2016 2:48 PM
To: Owen, Todd C (AC OFO); WAGNER, JOIN P
Subject: Metering in TX

EXHIBIT

328

EAC/DEAC,

Just wanted to touch base directly because I'm not sure it was conveyed with full clarity from CAT. C1 and I briefed S1 that we wanted to increase efforts to meter arrivals of non-UAC, non-Mexican CF cases mid-bridge. If INAMI is not willing to help, we will push up to the line and hold them back there. This will be mostly CENTAM families. Please advise if you have concerns and let me know how implementation goes.
KM

Confidential

AOL-DEF-00353880

4-SER-839

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 69 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

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28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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From: MCALEENAN, KEVIN K
Sent: Friday, November 11, 2016 3:00 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P
Subject: RE: Metering in TX

Thanks. The implementation here is subject to your discretion and theirs (and PDs') on what will work best operationally and whether it is required on any given day or any specific location. We should try to bring INAMI on board with us and certainly give them a heads up. I just want our folks to have an additional tool to keep conditions safe and working at our POEs. Thanks Todd

From: Owen, Todd C (AC OFO)
Sent: Friday, November 11, 2016 2:55:27 PM
To: MCALEENAN, KEVIN K; WAGNER, JOHN P
Subject: RE: Metering in TX

Deputy, we are on board with the metering. Wanted to express this verbally with the SWB DFOs as opposed to a written record. I thought we had advised them via telephone last night to start, and that this would be among the various custody issues to discuss in more depth next week. We will call the 4 DFOs right now.

Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs & Border Protection

From: MCALEENAN, KEVIN K
Sent: Friday, November 11, 2016 7:48:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P
Subject: Metering in TX

EAC/DEAC,
Just wanted to touch base directly because I'm not sure it was conveyed with full clarity from CAT. CI and I briefed SI that we wanted to increase efforts to meter arrivals of non-UAC, non-Mexican CF cases mid-bridge. If INAMI is not willing to help, we will push up to the line and hold them back there. This will be mostly CENTAM families. Please advise if you have concerns and let me know how implementation goes.
KM



Highly Confidential/Attorneys' Eyes Only

AOL-DEF-00272935

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 70 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
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FOR SUMMARY JUDGMENT**

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From: BROOKS, WILLIAM K
Sent: Friday, November 11, 2016 6:55 PM
To: TFO PORT DIRECTOR APD; TFO DISTRIBUTION
Subject: Metering Flow

Today I received the following guidance from HQ.

HQ asked that each Port management work with their Mexican counterparts to meter the follow of Haitians, South and Central Americans. While this is being done for Haitians at most locations it is not so for South and Central Americans. If Mexico does not assist, the following actions are authorized.

If the Port has exceeded it's capacity the Port Director has the authorization to return the individuals claiming fear without valid entry documents to Mexico with an alternate date and time to return. This includes family units, but DOES NOT include unaccompanied juveniles nor citizens of Mexico claiming fear.

Each Port is responsible for developing a system to track the returns along with their scheduled return date and time.

If the Port Director determines that metering needs to be done, the DFO must be notified immediately.

If you have any questions, please contact me.

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19 Plaintiffs,

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21 Chad F. Wolf,¹ *et al.*,

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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 83 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
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From: HOFFMAN, TODD A
Sent: Friday, April 27, 2018 10:08 AM
To: FLORES, PETE ROMERO; HIGGERSON, DAVID P; MANCHA, HECTOR; RAMIREZ, GUADALUPE H
CC: HOWE, RANDY J; DRAGANAC, JOSEPH; CAMPBELL, CARL S; HUTTON, JAMES R
Subject: FW: Metering Guidance Memo
Attachments: Metering Guidance Memo.pdf



Directors,

Please see the attached processing guidance during surge events.

MEMORANDUM FOR: See Distribution
 FROM: Todd C. Owen
 Executive Assistant Commissioner
 Office of Field Operations
 SUBJECT: Metering Guidance

When necessary or appropriate to facilitate orderly processing and maintain the security of the port and safe and sanitary conditions for the traveling public, DFOs may elect to meter the flow of travelers at the land border to take into account the port's processing capacity. Depending on port configuration and operating conditions, the DFO may establish and operate physical access controls at the borderline, including as close to the U.S.-Mexico border as operationally feasible. DFOs may not create a line specifically for asylum-seekers only, but could, for instance, create lines based on legitimate operational needs, such as lines for those with appropriate travel documents and those without such documents.

Ports should inform the waiting travelers that processing at the port is currently at capacity and CBP is permitting travelers to enter the port once there is sufficient space and resources to process them. At no point may an officer discourage a traveler from waiting to be processed, claiming fear of return, or seeking any other protection. Officers may not provide tickets or appointments or otherwise schedule any person for entry. Once a traveler is in the United States, he or she must be fully processed.

INAMI has, at times, elected to conduct exit controls at some locations in Mexico to limit the throughput of travelers into the United States. DFOs should be particularly aware of any INAMI controls that are preventing U.S. citizens, LPRs, or Mexican nationals (some of whom may intend to claim fear) from entering the United States, and should work with INAMI, as appropriate, to address such concerns.

Please ensure that this memorandum is disseminated to all ports of entry within your area of responsibility. Should you have any questions or require additional information, please contact Mr. Todd A. Hoffman, Executive Director, APP, at [REDACTED]

Distribution: Director, Field Operations, El Paso
 Director, Field Operations, Laredo
 Director, Field Operations, San Diego
 Director, Field Operations, Tucson

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

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21 Chad F. Wolf,¹ *et al.*,

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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 89 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
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SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

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U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 5, 2018

MEMORANDUM FOR: Kevin K. McAleenan
Commissioner
U.S. Customs and Border Protection

FROM: Kirstjen M. Nielsen
Secretary

SUBJECT: Prioritization-Based Queue Management

While enhancing border security at and between our Southwest Border ports of entry and increasing our effectiveness at identifying and interdicting threats, apprehensions of those crossing our border illegally between the ports of entry and the number of arriving aliens determined to be inadmissible at ports of entry continue to rise.

At the same time, U.S. Customs and Border Protection's (CBP) resources remain strained along the Southwest Border. Inadmissible arriving aliens presenting at ports of entry, many of whom arrive without possessing appropriate travel and identity documents required by law, such as a visa and passport, require additional processing time that delays the flow of legitimate trade and travel. In many cases, CBP officers must take sworn statements from those individuals, which requires a substantial amount of time and resources.

CBP must focus on its primary mission: to protect the American public from dangerous people and materials while enhancing our economic competitiveness through facilitating legitimate trade and travel. As we strengthen our screening and vetting across multiple agencies to identify potential threats before they impact the United States, we continue to face a multi-faceted and dispersed terrorist adversary. In Fiscal Year 2017, CBP officers at our land ports of entry found 335 individuals inadmissible who were on the terrorist watchlist, and have already had 70 such encounters in the first quarter of 2018. Furthermore, on a typical day, CBP arrests 21 wanted criminals at our ports of entry. The officers at our ports must be vigilant about identifying national security and public safety threats above all others and denying entry to those who might do us harm.

Particularly, I am concerned by increasing seizures of illicit narcotics across all categories—especially methamphetamine and synthetic opioids such as fentanyl.

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EXHIBIT NO. 39
Dec. 13, 2019

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AOL-DEF-00273294

4-SER-865

Prioritization-based Queue Management
Page 2

	Drug Type (lbs)	FY 2017 (May 16th)	FY 2018 (May 16th)	% Change
Inbound	Methamphetamine	23,318.59	37,584.20	61.18%
Narcotics	Heroin	1,820.03	2,769.16	52.15%
Seizures	Fentanyl	771.22	827.18	7.26%

CBP must prioritize resources to intercept illicit drugs that have no place in a safe society. Security in border communities and beyond is threatened by transnational criminal organizations transferring drugs and currency across our borders.

We know from experience that seizures of illicit narcotics inbound and the outbound currency that sustains transnational criminal organizations both increase when inadmissible arriving aliens, particularly those without documents, are down. For example, during Fiscal Year 2017, when our ports of entry saw a 25 percent decrease in migrant crossings and processing from the year before, seizures of outbound currency increased by 37 percent.

	FY 2016		FY 2017		% Change
Outbound	Incidents	USD	Incidents	USD	
Currency	1,047	\$28,371,089	1,233	\$38,996,437	37.45%
Interdictions					

CBP personnel and resources that would otherwise be deployed to process inadmissible arriving aliens can focus on the detection and apprehension of narcotics and currency smugglers.

CBP must protect the economic security of the United States by enforcing trade laws and protecting legitimate commerce. Seizures of shipments that violate intellectual property rights increased by eight percent in Fiscal Year 2017 over the previous fiscal year, and if those seized items had been genuine, the total estimated manufacturer's suggested retail price would have been more than \$1.2 billion. CBP officers must be able to focus on identifying fake and dangerous goods, as well as invasive pests, through the cargo processing and agriculture inspection efforts that protect the American economy.

Finally, continued efficient transit for vetted trade partners and trusted travelers must be a priority. Approximately 545,000 passengers and pedestrians pass through our Southwest Border ports of entry every day, as well as 214,000 privately owned vehicles. The vast majority of that traffic is legitimate and necessary, and border communities and our larger economy rely on their efficient processing.

The processing of travelers without documentation draws resources away from CBP's fundamental responsibilities. The number of inadmissible persons arriving at ports of entry has risen by 62 percent in the last three months, when compared to the same three months of the previous fiscal year:

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Prioritization-based Queue Management
Page 3

Fiscal Period	All Inadmissibles
February 2017	12,078
March 2017	13,079
April 2017	12,531
February 2018	17,862
March 2018	22,513
April 2018	20,956

Moreover, staffing at Southwest Border ports of entry is below our target levels for almost all major ports, and our officers are increasingly working extensive overtime hours each pay period, leading to increased fatigue and stress on the workforce. At several of the largest ports of entry, upwards of 10 percent of the CBP officer workforce are engaged in immigration secondary screening and processing functions, primarily addressing persons presenting without documents sufficient for admission or other lawful entry.

While we address these staffing concerns, we remain focused on accomplishing the mission. In recognition of (1) the continued prevalence of security threats, (2) the dire consequences of illicit narcotics on our communities (especially the devastating opioid epidemic), (3) the staffing and resource challenges summarized above, and (4) the increase of irregular migration flows, I direct you to initiate a 30-day pilot program to prioritize staffing and operations in accordance with the following order of priority at all Southwest Border ports of entry:

1. **National security efforts:** detecting public safety and identifying potential security threats, such as known or suspected terrorists, members of transnational criminal organizations, and other violent actors.
2. **Counter-narcotics operations:** targeting and examining increasing numbers of conveyances and travelers for potential smuggling of illicit narcotics.
3. **Economic security:** trade and cargo processing efforts to facilitate lawful commerce into the United States, while enforcing trade laws, protecting agriculture, and addressing anticompetitive elements in the supply chain.
4. **Trade and travel facilitation:** managing flows of people and goods at pedestrian and vehicle lanes of entry for U.S. citizens, lawful permanent residents, Border Crossing Card and visa holders, and others presenting documents sufficient for admission or other lawful entry into the United States, while detecting fraudulent documents.

Processing persons without documents required by law for admission arriving at the Southwest Border remains a component of CBP's mission, but priority should be given to the efforts described above in the prescribed order. Field leaders have the discretion to allocate resources and staffing dedicated to any areas of enforcement and trade facilitation not covered by the above priorities and queue management process based on the availability of resources and holding capacity at the local port level. Depending on port configuration and operating conditions, Directors of Field Operations may establish and operate physical access controls at the borderline, including as close to the U.S.-Mexico border as operationally feasible. DFOs may create lines based on legitimate operational needs, such as lines for those with appropriate travel documents and those without such documents. As in all operations, the safety of employees and the public is paramount in operational decisions.

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18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

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Case No.: 17-cv-02366-BAS-KSC

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

AL OTRO LADO, INC., et al., §
§
Plaintiffs, §
§
vs. § CAUSE NO. 17-CV-02366-BAS-KSC
§
KEVIN K. McALEENAN, et al., §
§
Defendants. §

ORAL VIDEOTAPED DEPOSITION

MR. FRANK S. LONGORIA, JR.

June 18, 2020

ORAL VIDEOTAPED DEPOSITION OF MR. FRANK S.
LONGORIA, JR., produced as a witness at the instance
of the Plaintiffs and duly sworn, was taken in the
above-styled and numbered cause on June 18, 2020,
from 11:50 a.m. to 5:47 p.m., before Michelle
Hartman, Certified Shorthand Reporter in and for the
State of Texas and Registered Professional Reporter,
reported by computerized stenotype machine via a Zoom
videoconference, pursuant to the California Rules of
Civil Procedure and the provisions stated on the
record or attached hereto.



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Mr. Erik Davidson, BU videographer

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1 that. And if you're not willing to listen to that,
2 then my answer -- my response stands.

3 MR. GUIADO: Move to strike the
4 answer as nonresponsive.

5 Tyler, please put the document to the
6 side.

7 THE VIDEOGRAPHER: (Complies).

8 Q. (BY MR. GUIADO) Mr. Longoria, when did
9 CBP start using the term "operational capacity"?

10 A. 2018.

11 Q. Do you know who at CBP came up with
12 that term?

13 A. No.

14 Q. Do you know why they came up with that
15 term?

16 A. No.

17 Q. Did the definition or its usage change
18 over time?

19 A. Not to my knowledge.

20 Q. Is the definition of "operational
21 capacity" anywhere in a statute?

22 A. Not to my knowledge.

23 Q. You're not aware of any regulation that
24 defines the term "operational capacity"?

25 A. I'm not aware of any.



1 Q. You're not aware of any internal
2 memorandum that defines "operational capacity"?

3 A. What's your question?

4 Q. Are you aware of any internal
5 memorandum that defines "operational capacity"?

6 A. No.

7 Q. Are you aware of any guidance that
8 defines "operational capacity"?

9 A. Defines, no.

10 Q. Are you aware of any muster that
11 defines "operational capacity"?

12 A. No.

13 MR. GUIBADO: Please queue up FL 11.
14 That's Exhibit 309 AOL-DEF 00911232.

15 Q. (BY MR. GUIBADO) Take your time with
16 the document, Mr. Longoria.

17 MR. NAZAROV: Mr. Longoria, can you
18 see that?

19 THE WITNESS: Yes, sir.

20 MR. NAZAROV: Okay. Are you able to
21 read it?

22 THE WITNESS: Yes, sir.

23 MR. NAZAROV: All right. We haven't
24 gotten it yet, so if you could give me a minute.
25 Okay.



1 Q. (BY MR. GUIADO) Mr. Longoria, let me
2 know when you've read the document.

3 MR. NAZAROV: It's two e-mails, right,
4 Angelo?

5 MR. GUIADO: That's correct.

6 MR. NAZAROV: Yeah, have you read both
7 of them, Mr. Longoria?

8 THE WITNESS: Yes.

9 MR. NAZAROV: Okay.

10 (Exhibit 309 marked)

11 Q. (BY MR. GUIADO) Mr. Longoria, I am
12 showing you what will be marked Exhibit 309 to your
13 deposition. It is a June 13th, 2018 e-mail chain
14 that bears the Bates number AOL-DEF 00911232.

15 Do you recognize this document?

16 THE VIDEOGRAPHER: Sorry, Counsel,
17 it's 3 -- 310, not 309.

18 MR. GUIADO: 310, thank you very
19 much.

20 MR. NAZAROV: I have it as 309. Hold
21 on. Am I looking at --

22 MR. GUIADO: We marked it 309.

23 THE VIDEOGRAPHER: The last document
24 that we used was 309. So I would make this one 310.
25 I don't believe it's been marked yet.

1 MR. GUIADO: No, no, the last --

2 MS. RICH: I --

3 MR. GUIADO: Yeah, Sarah, go ahead.

4 MS. RICH: Yeah. The last -- the last
5 document was previously marked exhibit from another
6 deposition.

7 THE VIDEOGRAPHER: Oh, okay. That's
8 my mistake.

9 MS. RICH: We are doing consecutive
10 numbering.

11 THE VIDEOGRAPHER: I understand. No
12 problem. Thank you for clarifying.

13 MR. NAZAROV: So it is 309? Okay.

14 Q. (BY MR. GUIADO) Mr. Longoria, do you
15 recognize Exhibit 309?

16 A. Yes.

17 Q. How do you recognize it?

18 A. It has my name on it.

19 Q. When's the last time you saw this
20 document?

21 A. The day I generated it.

22 Q. I'll represent to you that this exhibit
23 is an e-mail from you to Bradd Skinner regarding the
24 implementation of queue management at the Laredo
25 field office.

1 The second line of the e-mail reads,
2 "Do we need to revisit since we have moved from
3 detention capacity to operational capacity?"

4 Did I read that right?

5 A. Yes.

6 Q. So did CBP move from detention capacity
7 to operational capacity in 2018?

8 A. Yes.

9 Q. Makes -- you would agree with me that
10 it makes no sense to move from detention capacity to
11 operational capacity if you've always been using
12 operational capacity; is that right?

13 MR. NAZAROV: Objection.

14 Go ahead, you can answer.

15 THE WITNESS: I didn't understand the
16 question.

17 Q. (BY MR. GUISADO) You would agree with
18 me that it makes no sense to move from detention
19 capacity to operational capacity if you had always
20 been using operational capacity; is that right?

21 MR. NAZAROV: Objection: Form.

22 THE WITNESS: No, because in the
23 context of processing the arriving aliens claiming
24 incredible fear or expressing the fear of returning,
25 we went from detention capacity to operational

1 capacity.

2 Q. (BY MR. GUIADO) Right. But if you had
3 already -- if you had always been using operational
4 capacity, you wouldn't need to make the switch; is
5 that right?

6 MR. NAZAROV: Objection:
7 Argumentative.

8 Q. (BY MR. GUIADO) You can answer.

9 A. We were using detention capacity.

10 Q. Okay. Thank you, Mr. Longoria.

11 Can you read the third line of this
12 e-mail that you sent to Bradd Skinner for me.

13 A. The one that starts with "recommend"?

14 Q. Yes, please.

15 A. "Recommend we send to the ports for
16 their review and comment before we go final. This
17 way we can have port directors tell us what
18 operational capacity means to them.

19 What say you?"

20 Q. Why did you need port directors to tell
21 you what "operational capacity" meant to them?

22 A. I wanted to have input as to what the
23 definition is and that we were all on the same --
24 operating off the same understanding.

25 Q. So you were looking for a more complete

1 understanding of what "operational capacity" meant;
2 is that right?

3 MR. NAZAROV: Objection: Form.

4 THE WITNESS: You get more buy-in when
5 you're changing a process if you have input from the
6 people that are going to be responsible for
7 implementing.

8 Did I need their input? Did we need
9 their input at the field office?

10 Not necessarily, but the process works
11 better if they feel that they were involved in the
12 decision-making process.

13 Q. (BY MR. GUIADO) All right. Was it
14 possible that the port directors would have had a
15 different understanding of what "operational
16 capacity" meant than you did?

17 MR. NAZAROV: Objection: Form.

18 THE WITNESS: It's possible.

19 Q. (BY MR. GUIADO) Did you know of anyone
20 else that had a different understanding than you did?

21 A. No.

22 Q. You didn't know what "operational
23 capacity" really meant in 20 -- 2018, did you?

24 MR. NAZAROV: Objection: Form.

25 Q. (BY MR. GUIADO) You can answer.



1 A. I am thinking, sir.

2 Q. All right. Take your time.

3 A. I was not familiar with the term.

4 Q. And you asked for the port director's
5 understanding to get a more fulsome understanding of
6 what operational capacity meant; is that right?

7 A. We asked for their input, yes, sir.

8 Q. Thank you.

9 MR. NAZAROV: Angelo, I just want to
10 let you know that I'm going to ask in ten minutes for
11 a ten-minute break.

12 MR. GUISTADO: Take your time.

13 Tyler, could you queue 85, please.
14 That's Howe 85.

15 THE VIDEOGRAPHER: (Complies).

16 MR. NAZAROV: Hold on. Is this an old
17 exhibit or a new one?

18 MR. GUISTADO: This is old. We
19 introduced it at Mr. Howe's deposition on the 9th of
20 January, 2020, in D.C.

21 MR. NAZAROV: Okay. Now, what I meant
22 to say was you -- you didn't bring it up before,
23 right, in this deposition?

24 MR. GUISTADO: No. No, no, no. I
25 brought up Howe 89.



1 Q. Why not?

2 A. That is part of their job.

3 Q. It says that they're -- it says under
4 operational capacity -- strike that.

5 Under operational capacity, ports have
6 the discretion to allocate resources to whatever
7 operations they see fit; is that right?

8 MR. NAZAROV: Objection: Form.

9 THE WITNESS: Repeat the question.

10 Q. (BY MR. GUIADO) You testified that
11 under operational capacity, it was up to the port's
12 discretion to allocate resources to the operations as
13 they saw fit; is that right?

14 A. If there was a threat and it was
15 identified as one of our four priorities, yes, sir.

16 Q. And inspection and processing of
17 non-citizens is one of those operations, even if it
18 wasn't within one of the four priorities listed by
19 Mr. McAleenan; is that right?

20 MR. NAZAROV: Objection: Form.

21 THE WITNESS: I didn't understand the
22 question.

23 Q. (BY MR. GUIADO) You testified that
24 there were -- that it was up to the discretion of the
25 port to allocate resources to their operations as



1 they saw fit under operational capacity; is that
2 right?

3 A. Yes.

4 Q. Is the processing of migrants or
5 non-citizens without proper entry documents one of
6 those operations?

7 A. Yes.

8 Q. Under the discretion afforded under
9 operational capacity, could a port move resources
10 away from immigration processing towards another
11 operation?

12 A. Yes.

13 Q. Is that what was happening within the
14 Laredo field office?

15 A. Yes.

16 Q. Mr. Koseor states in his e-mail at 1:00
17 p.m., "If one family a day allows Roma to continue to
18 process traffic and conduct enforcement, then that is
19 your -- that is your capacity."

20 Did I read that right?

21 A. That's correct.

22 Q. In other words, the capacity of the
23 Roma port of entry is what the Roma port of entry
24 assesses it to be; is that right?

25 A. Correct.

1 Q. It's up to them to define how many
2 immigrants they can process in any given day under
3 operational capacity; is that right?

4 A. Yes.

5 Q. When you e-mailed Ryan Koseor on this
6 bottom e-mail at 11:41 a.m., what did you mean when
7 you said, "You need to clear up the operational
8 capacity issue"?

9 A. Could we go back to it?

10 THE VIDEOGRAPHER: (Complies).

11 THE WITNESS: Okay.

12 MR. GUISADO: It's at -- it's at the
13 bottom. If you could zoom in, Tyler, I'd appreciate
14 that.

15 THE VIDEOGRAPHER: (Complies).

16 THE WITNESS: Oh, I see it. I see it.

17 MR. GUISADO: Okay.

18 MR. NAZAROV: Do you need some time to
19 read it again, Mr. Longoria?

20 THE WITNESS: No, sir.

21 As a representative of the migration
22 crisis action team and working for headquarters, I
23 was just recommending to him that they may want to
24 look more closely at the operational capacity issue.

25 Q. (BY MR. GUISADO) Why did you say, "It



1 should be detention capacity because that's a clearly
2 defined number"?

3 A. Well, that's what I believed.

4 Q. What did you think would happen if they
5 left it at detention capacity and didn't switch to
6 operational capacity?

7 A. Things would continue as they were
8 prior to that.

9 Q. What did you --

10 A. They would process as detention
11 capacity.

12 Q. What did you think would happen if they
13 instituted the switch to operational capacity?

14 A. The number of people being processed
15 would drop.

16 Q. Thank you, Mr. Longoria.

17 MR. NAZAROV: I'm going to ask for --
18 do you have a lot of more questions about this
19 document?

20 MR. GUISADO: No, that's my last
21 question on this document. We can take a break if
22 you want.

23 MR. NAZAROV: At the beginning of this
24 deposition -- again, I just want to go on the
25 record -- you were asked how long you're going to go,

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 102 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

25
26
27
28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

AL OTRO LADO, INC., ET AL.,
PLAINTIFFS,
VS.
KEVIN K. MCALEENAN, ET AL.,
DEFENDANTS.

) IN THE DISTRICT COURT
)
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) CASE NO.
) 17-cv-02366-BAS-KSC
)
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CONFIDENTIAL
ORAL AND VIDEOTAPED DEPOSITION OF
SAMUEL CLEAVES
MAY 20, 2020

ORAL AND VIDEOTAPED DEPOSITION of SAMUEL CLEAVES,
produced as a witness at the instance of the Plaintiff,
and duly sworn, was taken in the above-styled and
numbered cause on May 20, 2020, from 8:59 a.m. to 5:04
p.m., Mountain Time, before Delia Ordonez, CSR in and
for the State of Texas, reported by machine shorthand,
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1 MR. FENN: Understood.

2 Q. (BY MR. FENN) Mr. Cleaves, let me rephrase my
3 question.

4 At the Port of El Paso, what does the
5 operational capacity have to be in order for the port to
6 begin me- -- metering?

7 A. Large groups give us a -- a problem. So
8 normally, operational capacity, they can be done safely
9 and -- and -- and not involve detention standards, is
10 usually somewhere around 30, 30 or below at a time, per
11 day, I guess.

12 Q. So is there a -- when you say "30," is that a
13 number or a percentage?

14 A. Number.

15 Q. Is there a percentage that operational capacity
16 has to be at, at the Port of El Paso, for it to begin
17 metering?

18 A. No. I don't -- I don't even know what you mean
19 by "percentage." We take into consideration -- and
20 they're not taken into consideration by itself. So the
21 reason the operational capacity is around that number,
22 30, is we tend to try and keep our detention capacity
23 around what the capacity is. We exceed that capacity
24 frequently, so it drops down, goes above, around that.

25 But to do that, that means our operational

1 capacity is -- is we can really only take in around 30
2 or below at a time because they're -- they'll be at the
3 end of the queue within the port. There are others
4 ahead of them already processed and waiting and moved
5 out. And that's generally the reason why. So -- yeah,
6 go ahead. I'm sorry.

7 Q. No problem. If you were to tell your
8 supervisor that the El Paso Port of Entry was at its
9 operational capacity, how could your assertion be
10 verified?

11 A. What we can do is -- operational capacity, the
12 number of cases that we have. So it would be -- you
13 would have to take in the number of cases we have
14 overall, the number of people being held overall versus
15 the number we project being moved out or going to move
16 out or the capability of being moved out. It would also
17 be the number that we can process, project to process.
18 That's a little bit complex because if -- depending on
19 budget restraints, we can process more sometimes;
20 sometimes we can't.

21 It also is operational capacity of what
22 else is going on in the port. Are there other things
23 going on that's going to take away from admissibility
24 processing? Are we -- are we intercepting other types
25 of violators other than migrants that are going to eat

1 into operational capacity? How many transports do we
2 have to do? That takes two officers at a time. And how
3 many emergent events are -- are occurring? Port of
4 El Paso is quite large, and on the southern border, it
5 experiences significant events quite often.

6 Q. Is it your testimony that the operational
7 capacity of the Port of El Paso could change from day to
8 day?

9 A. It does.

10 Q. And does CBP or does someone at the Port of
11 El Paso track what the operational capacity is on a
12 given day?

13 A. No, because it is a culmination of multiple
14 factors. Yeah, that would become impossible to track.
15 If you wrote it down, it would be different after you
16 get done writing it down. That's an overexaggeration,
17 but...

18 Q. So does the CBP or does somebody within the
19 Port of El Paso create any regular reports showing the
20 operational capacities for the Port of El Paso?

21 A. No, not specific to operational capacity. We
22 generally report numbers and where they are in the
23 processing, that type of thing, which may go into the
24 decision-making of operational capacity, but, no,
25 nothing specific.

1 Q. And is your answer the same for other ports of
2 entry within the El Paso Field Office?

3 A. I don't know specifically the mechanics of how
4 they report it, but my understanding is, yes, they both
5 take into consideration detention capacity and
6 operational capacity when making those decisions.

7 Q. But you would agree that there's a difference
8 between taking operational capacity into consideration
9 and recording data on operational capacity, correct?

10 A. No, actually, I don't know the difference
11 between what you're asking.

12 Q. I'm asking whether -- you said that -- strike
13 that.

14 You testified earlier that it would be too
15 difficult to record data on operational capacity for the
16 Port of El Paso, correct?

17 MS. SHINNERS: Objection, misstates
18 testimony.

19 A. We would record data on the events that are
20 occurring and how many people we have and where they are
21 in the processing. But as for your question on
22 operational capacity, which is a complex decision on
23 determining exactly what was going on at the port in
24 multiple facets, no, I -- I don't think we have anything
25 that captures everything like that in a report.

1 Q. (BY MR. FENN) Okay. And my question is: For
2 the other ports of entry in the El Paso Field Office, do
3 you know whether those ports of entry issue reports that
4 capture operational capacity?

5 A. That captures everything that I was describing?
6 No, they don't.

7 Q. Okay.

8 MR. FENN: We've been going for about an
9 hour and a half, and we're kind of at a natural breaking
10 point. Would this be a good time to take a short break?

11 MS. SHINNERS: Yes. That's perfect for me,
12 yeah.

13 MR. FENN: Okay.

14 MS. SHINNERS: Uh-huh. Mr. Cleaves?

15 THE WITNESS: Yes, that's fine.

16 THE VIDEOGRAPHER: The time is 10:33 a.m.
17 We're going off the record.

18 (Break was taken.)

19 THE VIDEOGRAPHER: The time is 10:54 a.m.
20 We are back on the record.

21 MR. FENN: Kevin, if you could put
22 Exhibit 161 up on the screen.

23 Q. (BY MR. FENN) Mr. Cleaves, I'm showing you a
24 document that will be marked as Exhibit 161, and it is
25 Bates-labeled AOL-DEF-00273818. This is a June 16th,

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14 *Additional counsel listed on next page*
15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 105 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

25
26
27
28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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23 *kwalters@immcouncil.org*

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25 Washington, D.C. 20005

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28

From: CAMPBELL, CARL S
 Sent: Wednesday, August 29, 2018 4:46 PM
 To: KOSEOR, RYAN M
 CC: HOWE, RANDY J; DRAGANAC, JOSEPH
 Subject: Re: LFO Queue Management Report for August 29, 2018

Info from Laredo: this was temporary due to operational constraints, not facility constraints. The line has already been cleared.

Thank you,

C. Shane Campbell
 Deputy Executive Director
 Office of Field Operations – Operations Directorate
 US Customs and Border Protection

On Aug 29, 2018, at 2:46 PM, KOSEOR, RYAN M <[REDACTED]> wrote:

Sir,

I know you are extremely busy but didn't you send some guidance out on keeping our capacity numbers around 60-70%? Why do we have people waiting in line in Laredo when we are at 14%? Just want to make sure we don't get in the press again. Let me know if you want me to address.

Ryan Koseor
 Deputy Commander
 U.S. Customs and Border Protection
 Migration Crisis Action Team (MCAT)
 Cell: [REDACTED]
 MCAT: [REDACTED]

From: ROJAS, FELIPE On Behalf Of LAREDO OPS CENTER
 Sent: Wednesday, August 29, 2018 2:19 PM
 To: GUARDIOLA, RODOLFO <[REDACTED]>; LAREDO OPS CENTER <[REDACTED]>; HOWE, RANDY J <[REDACTED]>; CAMPBELL, CARL S <[REDACTED]>; DRAGANAC, JOSEPH <[REDACTED]>; HIGGERSON, DAVID P <[REDACTED]>; BP-MCAT-TEAM <[REDACTED]>; SKINNER, BRAD M <[REDACTED]>; ARRIS, RODNEY H <[REDACTED]>; GUERRA, ADRIAN C <[REDACTED]>; DOVALUNA, MUCIA C <[REDACTED]>; FLORES, JULIANA <[REDACTED]>; D'NGORIA, FRANK S <[REDACTED]>; GALLEGOS, MARIA <[REDACTED]>; CALDERON, GEORGE G <[REDACTED]>; GARCIA, ENRIQUE A <[REDACTED]>
 Subject: LFO Queue Management Report for August 29, 2018

ALCON,

Attached is the Laredo Field Office - Queue Management Report for August 29, 2018 @ 1000 hours CDT.

Field Office	Port	Total number of Detainees	% of Capacity	Number in Queue @ Boundary Line	Impact to Port Operations
Laredo	Brownsville	9	13%	0	None
Laredo	Progreso	0	0%	0	None
Laredo	Hidalgo	16	38%	0	None
Laredo	Rio Grande City	2	13%	0	None
Laredo	Roma	2	13%	0	None
Laredo	Laredo	17	14%	10	None
Laredo	Eagle Pass	13	93%	0	None
Laredo	Del Rio	3	11%	0	None

Respectfully,

Felipe Rojas

CBP Officer

Email: [REDACTED]

Laredo Field Office | Laredo, Texas | [REDACTED]

<image003.png>

Report Smuggling Activities at ReportSmuggling@cbp.dhs.gov

WARNING: This document is LAW ENFORCEMENT SENSITIVE and is designated FOR OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (50 USC 332). Printouts and/or screen prints from the Automated Targeting System (ATS) are not part of CBP's System of Record Notification (SORN); therefore should not be used as evidence in Court Proceedings. CBP Official records must be obtained through TECS and reviewed by Office of Chief Counsel prior to dissemination of records outside CBP. This document is to be controlled, handled, transmitted, distributed and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released outside of CBP or the public without the prior approval from the Laredo Field Office.

Confidential

AOL-DEF-00039597

4-SER-897

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 109 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

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McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

From: Owen, Todd C (AC OFO)
Sent: Monday, November 12, 2018 9:36 AM
To: FLORES, PETE ROMERO
Subject: FW: C1 Migrant Processing Direction

FYI

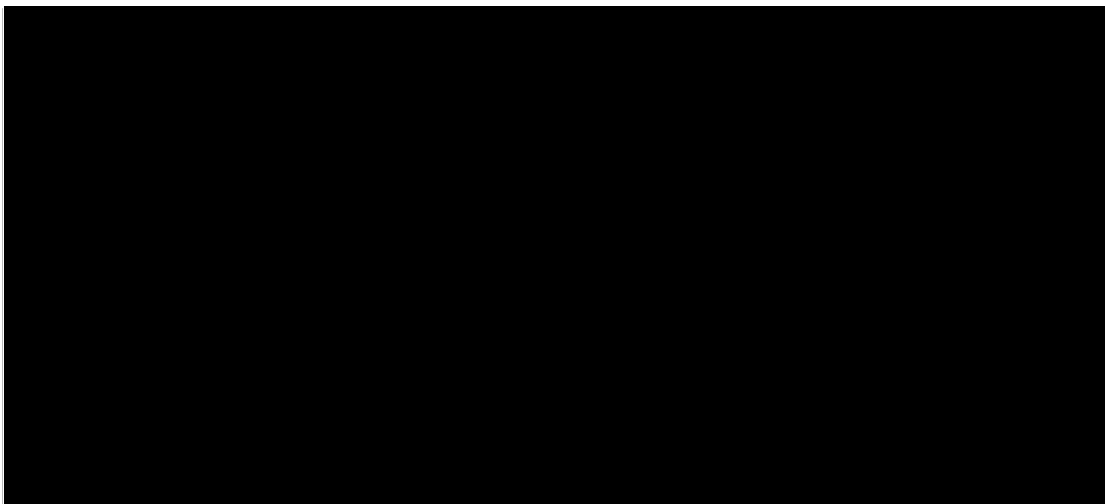
Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

From: MCALEENAN, KEVIN K
Sent: Monday, November 12, 2018 3:49:40 AM
To: Owen, Todd C (AC OFO)
Cc: PEREZ, ROBERT E; FLANAGAN, PATRICK S; HOWE, RANDY J; WAGNER, JOHN P
Subject: Re: C1 Migrant Processing Direction

Thanks EAC. I will review and set up a time to discuss tomorrow.

Sent from my iPhone

On Nov 11, 2018, at 7:30 PM, Owen, Todd C (AC OFO) <[REDACTED]> wrote:



Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

From: FLORES, PETE ROMERO
Sent: Sunday, November 11, 2018 11:57:02 PM
To: Owen, Todd C (AC OFO); HOWE, RANDY J
Cc: AKI, SIDNEY K; MARICICH, ANNE L; CASTILLO, MOISES; ARMJO, JOHNNY L
Subject: Re: C1 Migrant Processing Direction

<Ped West.docx>

Hopefully the document is attached now.

Highly Confidential/Attorneys' Eyes Only

AOL-DEF-00028473

Sent from my iPhone

On Nov 11, 2018, at 3:55 PM, FLORES, PETE ROMERO <[REDACTED]> wrote:

EAC,

[REDACTED]

Pete

Sent from my iPhone

On Nov 11, 2018, at 11:53 AM, Owen, Todd C (AC OFO) <[REDACTED]> wrote:

[REDACTED]

Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

From: FLORES, PETE ROMERO
Sent: Sunday, November 11, 2018 7:50:12 PM
To: MCALEENAN, KEVIN K
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOWE, RANDY J; PEREZ, ROBERT E; FLANAGAN, PATRICK S;
BOYD, VALERIE S; PETERLIN, MEGHANN K
Subject: Re: C1 Migrant Processing Direction

Sir,

[REDACTED] As of yesterday we started to increase intake of asylum seekers to match our capacity space based processing, holdings and release. The transfer of adult singles are the biggest concern and have the longest dwell times. Family units will be a large composition of our daily intake and additional ERO resources at the port to handle the releases will be need.

[REDACTED]

Pete

Sent from my iPhone

On Nov 11, 2018, at 11:30 AM, MCALEENAN, KEVIN K

[REDACTED] LE wrote:

Team,

Please provide, very specifically, the numbers and types (SA, FMUA, UAC) you are looking to have moved by ICE each day out of SYS. Thanks,

KM

Sent from my iPhone

Begin forwarded message:

From: "Vitiello, Ronald D" <[REDACTED]>
Date: November 11, 2018 at 2:04:08 PM EST
To: "MCALEENAN, KEVIN K"
Subject: RE: C1 Migrant Processing Direction

Okay,

Thanks. The memo is light on detail. Do you have another description (Con-ops)?

From: MCALEENAN, KEVIN K
Sent: Sunday, November 11, 2018 11:32 AM
To: Vitiello, Ronald D <[REDACTED]>
Subject: Fwd: C1 Migrant Processing Direction

Director,

Wanted to share my guidance to OFO on implementing the surge directed in the President's proclamation. We really need ERO's support, starting over this weekend in San Diego, to get the POE process running. Let me know if you want to talk through. Thanks,

Kevin

Sent from my iPhone

Begin forwarded message:

From: "FLANAGAN, PATRICK S" <[REDACTED]>
Date: November 10, 2018 at 1:31:58 PM EST
To: "MCALEENAN, KEVIN K"
Subject: Fwd: C1 Migrant Processing Direction

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15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 110 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

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McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

From: FLORES, PETE ROMERO
Sent: Sunday, November 11, 2018 2:55 PM
To: Owen, Todd C (AC OFO)
CC: HOWE, RANDY J
Subject: Re: C1 Migrant Processing Direction

Agree

Sent from my iPhone

On Nov 11, 2018, at 11:53 AM, Owen, Todd C (AC OFO) - [REDACTED] wrote:

[REDACTED]

Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

From: FLORES, PETE ROMERO
Sent: Sunday, November 11, 2018 7:50:12 PM
To: MCALEENAN, KEVIN K
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOWE, RANDY J; PEREZ, ROBERT E; FLANAGAN, PATRICK S; BOYD, VALERIE S; PETERLIN, MEGHANN K
Subject: Re: C1 Migrant Processing Direction

Sir,

[REDACTED] As of yesterday we started to increase intake of asylum seekers to match our capacity space based processing, holdings and release. The transfer of adult singles are the biggest concern and have the longest dwell times. Family units will be a large composition of our daily intake and additional ERO resources at the port to handle the releases will be need.

[REDACTED]

Pete
Sent from my iPhone

On Nov 11, 2018, at 11:30 AM, MCALEENAN, KEVIN K [REDACTED] LE wrote:

Team,

Please provide, very specifically, the numbers and types (SA, FMUA, UAC) you are looking to have moved by ICE each day out of SYS. Thanks,

KM

Sent from my iPhone

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From: "Vitiello, Ronald D" <[REDACTED]>
Date: November 11, 2018 at 2:04:08 PM EST
To: "MCALEENAN, KEVIN K" <[REDACTED]> LE
Subject: RE: C1 Migrant Processing Direction

Okay,

Thanks. The memo is light on detail. Do you have another description (Con-ops)?

From: MCALEENAN, KEVIN K
Sent: Sunday, November 11, 2018 11:32 AM
To: Vitiello, Ronald D <[REDACTED]>
Subject: Fwd: C1 Migrant Processing Direction

Director,

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To: "MCALEENAN, KEVIN K" <[REDACTED]> LE
Subject: Fwd: C1 Migrant Processing Direction

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17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
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Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 111 IN SUPPORT OF
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POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

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27 Facsimile: +1.202.742.5619

28

From: FLORES, PETE ROMERO
Sent: Wednesday, November 14, 2018 7:16 AM
To: HOWE, RANDY J
CC: WAGNER, JOHN P; Owen, Todd C (AC OFO)
Subject: Re: C1 Migrant Processing Direction

[REDACTED]
Sent from my iPhone

On Nov 14, 2018, at 4:07 AM, HOWE, RANDY J <[REDACTED]> wrote:

Pete. Guidance below from the Commissioner. Let's discuss today.

Randy J. Howe
Executive Director, Operations
Office of Field Operations
U.S. Customs and Border Protection
[REDACTED] (Office)
[REDACTED] (Cell)

Begin forwarded message:

From: "MCALEENAN, KEVIN K" <[REDACTED] LE>
Date: November 13, 2018 at 11:23:21 PM EST
To: "Owen, Todd C (AC OFO)" <[REDACTED]>
Cc: "PEREZ, ROBERT E" <[REDACTED]> FLANAGAN, PATRICK S"
[REDACTED] "HOWE, RANDY J" <[REDACTED]> "WAGNER, JOHN P"
[REDACTED], "BOYD, VALERIE S" <[REDACTED]> "PETERLIN,
MEGHANN K" <[REDACTED]>
Subject: Re: C1 Migrant Processing Direction

EAC,

This is a very good and productive plan. I briefed the Secretary this evening and received guidance on next steps.

At this planning stage, the Secretary's preferred approach is:

- (1) to maintain queue management as currently balanced against all mission sets, including security and passenger/trade facilitation at land border POEs and international airports; and
- (2) to pursue accelerated planning for a Return to Territory approach to be applied to caravan participants and other arrivals as soon as practicable, pending GoM agreement.

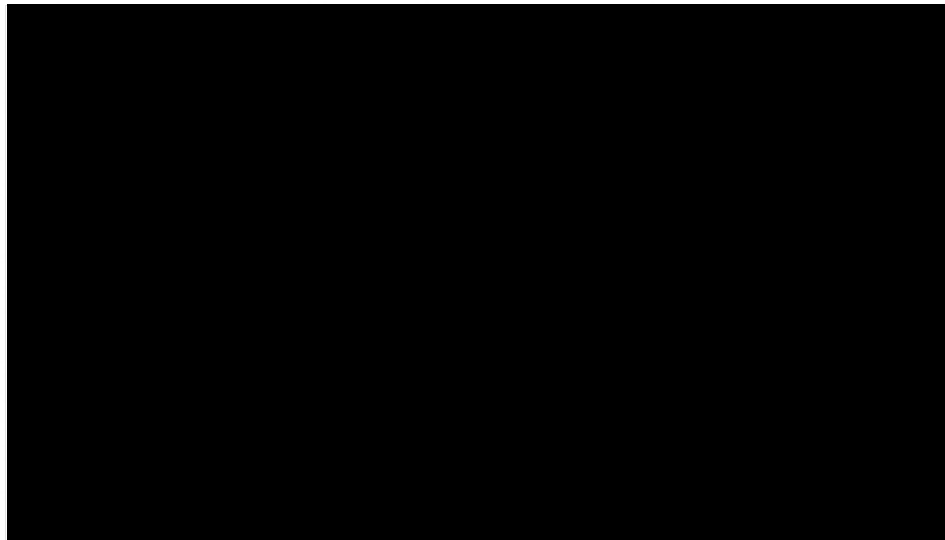
[REDACTED]
Thank you,

KM

Sent from my iPhone

On Nov 11, 2018, at 6:30 PM, Owen, Todd C (AC OFO) <[REDACTED]> wrote:

Commissioner,



Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs and Border Protection

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To: Owen, Todd C (AC OFO); HOWE, RANDY J
Cc: AKI, SIDNEY K; MARICICH, ANNE L; CASTILLO, MOISES; ARMIDO, JOHNNY L
Subject: Re: C1 Migrant Processing Direction

<Ped West.docx>

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Sent from my iPhone

On Nov 11, 2018, at 3:55 PM, FLORES, PETE ROMERO
[REDACTED] wrote:

EAC,

[REDACTED]

Pete

Sent from my iPhone

On Nov 11, 2018, at 11:53 AM, Owen, Todd C (AC OFO)
[REDACTED] wrote:

[REDACTED]

Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations

U.S. Customs and Border Protection

From: FLORES, PETE ROMERO
Sent: Sunday, November 11, 2018 7:50:12 PM
To: MCALEENAN, KEVIN K
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOWE, RANDY J; PEREZ, ROBERT E; FLANAGAN, PATRICK S; BOYD, VALERIE S; PETERLIN, MEGHANN K
Subject: Re: C1 Migrant Processing Direction

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Pete
Sent from my iPhone

On Nov 11, 2018, at 11:30 AM, MCALEENAN, KEVIN K
[REDACTED] LE wrote:

Team,

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KM

Sent from my iPhone

Begin forwarded message:

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[REDACTED] LE
Date: November 11, 2018 at 2:04:08 PM EST
To: "MCALEENAN, KEVIN K"
[REDACTED] LE
Subject: RE: CI Migrant Processing Direction

Okay,

Thanks. The memo is light on detail. Do you have another description (Con-ops)?

Highly Confidential/Attorneys' Eyes Only

AOL-DEF-00050249

From: MCALEENAN, KEVIN K
Sent: Sunday, November 11, 2018 11:32 AM
To: Vitiello, Ronald D
LE
Subject: Fwd: C1 Migrant Processing Direction

Director,

Wanted to share my guidance to OFO on implementing the surge directed in the President's proclamation. We really need ERO's support, starting over this weekend in San Diego, to get the POE process running. Let me know if you want to talk through. Thanks,

Kevin

Sent from my iPhone

Begin forwarded message:

From: "FLANAGAN, PATRICK S"
[REDACTED]
Date: November 10, 2018 at 1:31:58 PM
EST
To: "MCALEENAN, KEVIN K"
LE
Subject: Fwd: C1 Migrant Processing
Direction

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16 **UNITED STATES DISTRICT COURT**
17 **SOUTHERN DISTRICT OF CALIFORNIA**

18 Al Otro Lado, Inc., *et al.*,

19 Plaintiffs,

20 v.

21 Chad F. Wolf,¹ *et al.*,

22 Defendants.
23
24
25
26
27

Case No.: 17-cv-02366-BAS-KSC

**EXHIBIT 112 IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR MOTION
FOR SUMMARY JUDGMENT**

FILED UNDER SEAL

28 ¹ Acting Secretary Wolf is automatically substituted for former Acting Secretary
McAleenan pursuant to Fed. R. Civ. P. 25(d).

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28

From: MARIN, MARIZA
Sent: Monday, August 6, 2018 5:22 PM
To: KOSEOR, RYAN M
Subject: RE: Queue Management.xlsx

Here we go, fixing things that aren't broken....I'll keep you posted on how you screw up our process...

From: KOSEOR, RYAN M
Sent: Monday, August 6, 2018 2:21 PM
To: MARIN, MARIZA <MARIZA.MARIN@cbp.dhs.gov>
Subject: RE: Queue Management.xlsx

10-4. Front Office just tasked me with finding some solutions. I will try to work this from here. I know C1 and the EAC don't want to just throw money at it because that would defeat the purpose of queue management.

Ryan Koseor
Deputy Commander
U.S. Customs and Border Protection
Migration Crisis Action Team (MCAT)
Cell: [REDACTED]
MCAT: [REDACTED]
[REDACTED]

From: MARIN, MARIZA
Sent: Monday, August 6, 2018 5:18 PM
To: KOSEOR, RYAN M <[REDACTED]>
Subject: RE: Queue Management.xlsx

Well, if we didn't have over half of the officers at the cap about 75 or so

From: KOSEOR, RYAN M
Sent: Monday, August 6, 2018 2:08 PM
To: MARIN, MARIZA <[REDACTED]>
Subject: RE: Queue Management.xlsx

One more question. How many cases could SYS process a day if ERO moved them out the next day?

Ryan Koseor
Deputy Commander
U.S. Customs and Border Protection
Migration Crisis Action Team (MCAT)
Cell: [REDACTED]
MCAT: [REDACTED]

[REDACTED]

From: MARIN, MARIZA

Sent: Monday, August 6, 2018 1:16 PM

To: CAL AEU <[REDACTED]>

Cc: sys aeu <[REDACTED]>

Subject: Queue Management.xlsx